

Forty-One Thieves

Angelo Hall



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FORTY-ONE THIEVES

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A Tale of California

ANGELO HALL



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BOSTON

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by

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DEDICATED

TO

J. H. K.

A PARTNER OF WILL CUMMINS AND A NEIGHBOR OF
ROBERT PALMER

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FORTY-ONE THIEVES

CHAPTER I

DEAD MEN TELL NO TALES

In the cemetery on the hill near the quiet village of Reedsville, Pennsylvania, you may find this inscription:

WILLIAM F. CUMMINS

son of Col. William & Martha Cummins
who was killed by highwaymen near
NEVADA CITY, CALIFORNIA
September 1, 1879
aged 45 yrs. and 8 months

Be ye therefore also ready
For the Son of Man cometh
At an hour when ye think not.

It is a beautiful spot, on the road to Milroy. In former times a church stood in the middle of the grounds, and the stern old Presbyterian forefathers marched to meeting with muskets on their shoulders, for the country was infested with Indians. The swift stream at the foot of the hill, now supplying power for a grist-mill, was full of salmon that ran up through the Kishacoquillas from the blue Juniata. The savages begrudged the settlers these fish and the game

that abounded in the rough mountains; but the settlers had come to cultivate the rich land extending for twelve miles between the mountain walls.

The form of many a Californian now rests in that cemetery on the hill. A few years after the burial of the murdered Cummins, the body of Henry Francis was gathered to his fathers, and, near by, lie the bodies of four of his brothers, — all Californians. The staid Amish farmers and their subdued women, in outlandish, Puritanical garb, pass along the road unstirred by the romance and glamour buried in those graves. Dead men tell no tales! Else there were no need that pen of mine should snatch from oblivion this tale of California.

More than thirty-five years have passed since my father, returning from the scene of Cummins' murder, related the circumstances. With Mat Bailey, the stage-driver, with whom Cummins had traveled that fatal day, he had ridden over the same road, had passed the large stump which had concealed the robbers, and had become almost an eye-witness of the whole affair. My father's rehearsal of it fired my youthful imagination. So it was like a return to the scenes of boyhood when, thirty-six years after the event, I, too, traveled the same road that Cummins had traveled and heard from the lips of Pete Sherwood, stage-driver of a later generation, the same thrilling story. The stump by the roadside had so far decayed as to have fallen over; but it needed little imagination to picture the whole tragedy. In Sacramento I looked up the files of the *Daily Record Union*, which on Sept. 3, 1879, two days after the event,

gave a brief account of it. There was newspaper enterprise for you! An atrocious crime reported in a neighboring city two days afterward! Were such things too common to excite interest? Or was it felt that the recital of them did not tend to boom the great State of California?

CHAPTER II

THE GRANITEVILLE STAGE

On that fateful first of September, 1879, the stage left Graniteville, as usual, at six o'clock in the morning. Graniteville, in Eureka Township, Nevada County, is the Eureka South of early days. The stage still makes the daily trip over the mountains; but the glamour and romance of the gold fields have long since departed. On the morning mentioned traffic was light, for people did not travel the twenty-eight miles through heat and dust to Nevada City for pleasure. Too often it was a case of running the gauntlet from the gold fields to the railroad terminus and safety.

This very morning, Charley Chu, who had thrown up his job as mender of ditches, was making a dash for San Francisco, with five hundred dollars in dust and a pistol at his belt. The other passengers were Dr. John Mason and Mamie Slocum, teacher. Mamie, rosy-cheeked, dark-eyed, and pretty, was only seventeen, and ought to have been at home with her mother. She was a romantic girl, however, with several beaux in Eureka Township; and now that the summer session of school was over, she was going home to Nevada City, where there were other conquests to be made.

Dr. Mason, a tall, lean Scotchman, lived at North

Bloomfield, only nine miles distant, whence he had been summoned to attend a case of *delirium tremens*. The sparkling water of the Sierras is pure and cold, but the gold of the Sierras buys stronger drink. With a fee of two double eagles in his pocket, the doctor could look with charity upon the foibles of human nature. He thoroughly enjoyed the early morning ride among the giant pines. In the open places manzanita ran riot, its waxy green leaves contrasting with the dust-laden asters and coarse grasses by the roadside. Across the cañon of the Middle Yuba the yellow earth of old man Palmer's diggings shone like a trademark in the landscape, proclaiming to the least initiated the leading industry of Sierra and Nevada Counties, and marking for the geologist the height of the ancient river beds, twenty-five hundred feet above the Middle Yuba and nearly at right angles to it. Those ancient river beds were strewn with gold. Looking in the other direction, one caught glimpses here and there of the back-bone of the Sierras, jagged dolomites rising ten thousand feet skyward. The morning air was stimulating, for at night the thermometer drops to the forties even in mid-summer. In a ditch by the roadside, and swift as a mill-race, flowed a stream of clear cold water, brought for miles from reservoirs up in the mountains.

Even Charley Chu, now that he was leaving the gold fields forever, regarded the water-ditch with affection. It brought life — sparkling, abundant life — to these arid hill-tops. Years ago, Charley Chu and numerous other Chinamen had dug this very ditch. What would California have been without

Chinese labor? Industrious Chinamen built the railroad over the Sierras to the East and civilization. Doctor, girl and Chinaman were too much occupied with their own thoughts to take much notice of the stage-driver, who, though he assumed an air of carelessness, was, in reality, on the watch for spies and robbers. For the bankers at Moore's Flat, a few miles further on, were planning to smuggle several thousand dollars' worth of gold dust to Nevada City that morning. Mat Bailey was a brave fellow, but he preferred the old days of armed guards and hard fighting to these dubious days when stage-drivers went unarmed to avoid the suspicion of carrying treasure. Charley Chu with his pistol had the right idea; and yet that very pistol might queer things to-day.

Over this road for twenty-five years treasure to the amount of many millions of dollars had been carried out of the mountains; and Mat could have told you many thrilling tales of highwaymen. A short distance beyond Moore's Flat was Bloody Run, a rendezvous of Mexican bandits, back in the fifties. Not many years since, in the cañon of the South Yuba, Steve Venard, with his repeating rifle, had surprised and killed three men who had robbed the Wells Fargo Express. Some people hinted that when Steve hunted up the thieves and shot them in one, two, three order, he simply betrayed his own confederates. But the express company gave him a handsome rifle and a generous share of the gold recovered; I prefer to believe that Steve was an honest man.

The stage arrived at Moore's Flat, and Mat Bailey hurriedly transferred baggage and passengers to the gaily painted and picturesque stage-coach which, drawn by four strong horses, was to continue the journey. A pair of horses and a mountain wagon had handled the traffic to that point; but at the present time, when Moore's Flat can boast but eleven inhabitants, the transfer to the stage-coach is made at North Bloomfield, several miles further on. But in 1879, Moore's Flat, Eureka Township, was a thriving place, employing hundreds of miners. The great sluices, blasted deep into solid rock, then ran with the wash from high walls of dirt and gravel played upon by streams of water in the process known as hydraulic mining. Jack Vizzard, the watchman, threaded those sluiceways armed with a shot-gun.

At Moore's Flat, six men and two women boarded the stage; and Mat Bailey took in charge a small leather valise, smuggled out of the back door of the bank and handed to him carelessly. Mat received it without the flicker of an eyelash. Nevertheless, he scrutinized the eight new passengers, with apparent indifference but with unerring judgment. All except two, a man and a woman, were personally known to him. And these excited less suspicion than two well-known gamblers, who greeted Mat cordially.

"It hurts business, Mat, to ship so much dust out of the country," said one.

"Damn shame," said the other.

Mat paid no attention to these remarks, pretending to be busy with the baggage. Quite accidentally

he lifted an old valise belonging to Will Cummins, who, dressed in a long linen duster, had just boarded the stage. Cummins exchanged glances with the driver, and luckily, as Mat thought, the gamblers seemed to take no notice.

Will Cummins had been in the gold regions twenty-five years. He had already made and lost one small fortune, and now at the age of forty-five, with all his available worldly goods, some seven thousand dollars in bullion, he was homeward bound to Reedsville, Pennsylvania. In the full vigor of manhood, he was a Californian of the highest type. He had always stood for law and order, and was much beloved by decent people. By the other sort it was well understood that Will Cummins was a good shot, and would fight to a finish. He was a man of medium height, possessed of clear gray eyes and an open countenance. The outlines of a six-shooter were clearly discernible under his duster.

In a cloud of dust, to the clink of horse-shoes, the stage rolled out of Moore's Flat, and was soon in the dark woods of Bloody Run.

"Good morning, Mr. Cummins."

It was the school-teacher who spoke; and Cummins, susceptible to feminine charms, bowed graciously.

"Do you know, Mr. Cummins, it always gives me the shivers to pass through these woods. So many dreadful things have happened here."

"Why, yes," answered Cummins, good-naturedly. "It was along here somewhere, I think, that the darkey, George Washington, was captured."

"Tell me about it," said Mamie.

"Oh, George was violently opposed to Chinese cheap labor; so he made it his business to rob Chinamen. But the Chinamen caught him, tied his hands and feet, slung him on a pole like so much pork and started him for Moore's Flat, taking pains to bump him against every stump and boulder *en route*."

Charley Chu was grinning in pleasant reverie. Mamie laughed.

"But the funny thing in this little episode," continued Cummins, "was the defense set up by George Washington's lawyer. There was no doubt that George was guilty of highway robbery. He had been caught red-handed, and ten Chinamen were prepared to testify to the fact. But counsel argued that by the laws of the State a white man could not be convicted on the testimony of Chinamen; and that, within the meaning of the statute, in view of recent amendments to the Constitution of the United States, George was a white man. The judge ruled that the point was well taken; and, inasmuch as the prisoner had been thoroughly bumped, he dismissed the case."

The story is well known in Nevada County; but Mamie laughed gleefully, and turned her saucy eyes upon Charley:

"Did you help to bump George Washington?"

The Celestial was an honest man, and shook his head:

"Me only look on. That cullud niggah he lob me."

Will Cummins glanced at the Chinaman's pistol and smiled. By this time the stage had crossed

Bloody Run and was ascending the high narrow ridge known as the Back-Bone, beyond which lay the village of North Bloomfield. By the roadside loomed a tall lone rock, placed as if by a perverse Providence especially to shelter highwaymen. For a moment Cummins looked grave, and he reached for his six-shooter. Mat Bailey cracked his whip and dashed by as if under fire.

From the Back-Bone the descent to North Bloomfield was very steep, and was made with grinding of brakes and precipitate speed. Arrived at the post-office, Dr. Mason and the two gamblers left the coach; and a store-keeper and two surveyors employed by the great Malakoff Mining Company took passage to Nevada City. In those halcyon days of hydraulic mining, the Malakoff, employing fifty men, was known to clean up \$100,000 in thirty days. It was five hundred feet through dirt and gravel to bed-rock, and a veritable cañon had been washed out of the earth.

The next stop was Lake City, — a name illustrative of Californian megalomania; for the lake, long since gone dry, was merely an artificial reservoir to supply a neighboring mine, and the city was a collection of half a dozen buildings including a store and a hotel. Through the open door of the store a huge safe was visible, for here was one of those depositories for gold dust locally known as a bank. As the stage pulled up, the banker and a lady stepped out to greet Will Cummins, who alighted and cordially shook hands. Miss Slocum, apparently, was somewhat piqued because she was not introduced.

"I was hoping you would accompany us to Nevada City," Cummins said, addressing the lady, who regarded him with affection, as Mamie thought.

"You must remember, Will," said the banker, "that Mary hasn't been up to Moore's Flat yet to see her old flames."

"Too late!" said Cummins. "The Keystone Club gave a dinner last night, to wish me a pleasant journey. Eighteen of the twenty-one were present. But by this time they have scattered to the four winds."

"Never fear," cried the lady; "I shall find some of our boys at Moore's Flat. You are the only one travelling in this direction; and the four winds combined could not blow them over the cañon of the Middle Yuba."

"I remember you think that cañon deep and terrible, Mary," Will replied; "but it is not wide, you know. Remember our walk to Chipp's Flat, the last time you were here? Nothing left there but the old cannon. As the boys say, everything else has been fired."

"All aboard!" shouted Mat, who felt that he was wasting time in Lake City. And so Mary Francis, sister of Henry Francis, bade adieu to Will Cummins, little knowing that they would never meet again, either in California or "back home" in Pennsylvania. The stage rolled on, past a grove of live oaks hung with mistletoe. Cummins had passed this way many times before. He had even gathered mistletoe here to send to friends in the East. But today for the first time it made his heart yearn for the love he had missed. Mary Francis was thirty-

five now. Twenty-five years ago he was twenty and she was a little bashful girl. Her father's house had been the rendezvous of Californians on their occasional visits in the East. His mind traveled back over old scenes; but soon the cañon of the South Yuba burst upon his vision, thrilling him with its grandeur and challenging his fighting instincts. For after winding down three miles to the river, the road climbed three miles up the opposite side — three toiling miles through the ambushes of highwaymen. There was the scene of many a hold-up. And to-day, at his age, he simply must not be robbed. It would break his heart. In sheer desperation he drew his six-shooter, examined it carefully, glanced at his fellow-passengers and sat silent, alert and grim.

Except for the Chinaman, the passengers were feeble folk. At sight of the revolver the men began to fidget; and, except for Mamie Slocum, the romantic, the women turned pale.

Down the coach plunged into the deep cañon! Little likelihood of a hold-up when travelling at such a pace. Down, down, safely down to the river, running clear and cold among the rocks. And then the slow ascent. Mat Bailey, perched on his high seat as lordly as Phoebus Apollo, felt cold shivers run down his spine. From every bush, stump and rock he expected a masked man to step forth. Could he depend upon Cummins and the Chinaman? How slowly the horses labored up that fatal hill, haunted by the ghosts of murdered travelers! Why should he, Mat Bailey, get mixed up in other men's affairs? What was there in it for him? Of course, he would try

to play a man's part; but he sincerely wished he were at the top of the hill.

At last they were safely out of the cañon, and the horses were allowed to rest a few minutes. Cummins replaced his pistol and buttoned up his duster; and the passengers fell to talking. The store-keeper from North Bloomfield began to tell a humorous story of a lone highwayman who, with a double-barrelled shot gun waylaid the Wells Fargo Express near Downieville. As he waited, with gun pointed down the road, he heard a wagon approach behind him. Coolly facing about, he levelled his gun at the approaching travellers, three workmen, and remarked,

"Gentlemen, you have surprised me. Please deliver your guns, and stand upon that log," indicating a prostrate pine four feet in diameter. Needless to say, the men mounted the log and held up their hands. Then a load of hay approached, and the driver mounted the log with the others. Then came another wagon, with two men and a ten-year old boy, George Williams. The robber ordered these to stand upon the log, whereupon little George, in great trepidation, exclaimed,

"Good Mr. Robber, don't shoot, and I will do anything you tell me!"

About this time one barrel of the robber's gun was accidentally discharged into the log, and he remarked:

"That was damned careless," and immediately reloaded with buckshot.

At length the stage came along; and promptly holding it up, he tossed the driver a sack, directing

him to put his gold dust therein. This done, he sent each separate vehicle upon its way as cool as a marshal on dress parade.

With Nevada City only four miles away, the cañon of the South Yuba safely passed, and the stage bowling along over an easy road, it seemed a good story.

“Halt!”

Two masked men emerged from behind a stump by the roadside, and Charley Chu drew his revolver. The passengers in a panic took it away from him. Mat Bailey pulled up his horses.

While one robber covered Mat, the other covered the passengers, who at his command lined themselves up by the roadside with hands raised. Cummins got out on the side of the stage opposite the robber; and but for the duster, buttoned from chin to ankles, he would have had the dead wood on that robber. It was not to be; and Cummins, hands in air, joined his helpless companions. The robber then proceeded to rifle the baggage. Charley Chu lost his five hundred dollars. Mat Bailey gave up the leather bag from Moore’s Flat.

“Whose is this?” demanded the robber, laying his hand on Cummins’ old valise. As if hypnotized, Mamie Slocum answered,

“That is Mr. Cummins’.”

The robber seized it. Cummins exclaimed: “It is all I have in the world, and I will defend it with my life.” With that he seized the robber, overpowered him, and went down with him into the dust. If only there had been one brave man among those cowards!

"Is there no one to help me?" shouted Cummins; but no one stirred.

In the gold regions of California each man is for himself. To prevent trouble his fellow-passengers had disarmed the Chinaman. The other robber, seeing his partner overpowered, passed quickly along in front of the line of passengers, placed his gun at Cummins' head, and fired. The struggle had not lasted fifteen seconds when Will Cummins lay murdered by the roadside.

CHAPTER III

THE GIRL OR THE GOLD

Cummins was killed about one o'clock. Two hours later two prospectors, in conventional blue shirts and trousers, each with a pack over his back, were seen in the neighborhood of Scott's Flat. They excited no suspicion, as no one at Scott's Flat had heard anything about the hold-up; and even if news had come, there was nothing suspicious in the appearance of these men. They had looked out for that. As a matter of precaution they had provided themselves a change of clothing and their prospectors' outfit. By common consent they had very little to say to each other; for they knew that a careless word might betray them. They were in a desperate hurry to reach Gold Run or Dutch Flat to catch the evening train East; but from their motions you would not have suspected this. They followed the trails across country at the usual swinging gait of honest men, and they knew they had six hours to make fifteen miles over the hills. They passed near Quaker Hill, Red Dog, and You Bet, keeping away from people as much as they dared to, but not obviously avoiding anyone.

At You Bet, Gold Run and Dutch Flat they had taken the precaution to show themselves for several days past; so that no one should notice their reap-

pearance. They were not unknown in this region, and there were men at You Bet who could have identified them as Nevada City jail-birds. There was O'Leary, for example, who had been in jail with them. But in a country filled with gamblers and sporting men, where the chief end of man is to get gold and to enjoy it forever, it is not deemed polite to enquire too closely into people's antecedents. These men, evidently native-born Americans, bore the good Anglo-Saxon names of Collins and Darcy. What more could you ask? They perspired freely, and their packs were evidently heavy; but men who collect specimens of quartz are likely to carry heavy packs, and the day was hot.

At You Bet the men separated, Darcy striking out for Gold Run with all the gold, and Collins making for Dutch Flat, which is farther up the railroad. This was to throw the railroad men off the scent, for news of the murder had probably been telegraphed to all railroad stations in the vicinity.

Incidentally, and unknown to his partner, this arrangement necessitated a momentous decision in the mind of Collins. As he formulated the question, it was, "The girl or the gold?" Like many young criminals, Collins was very much of a ladies' man. He associated with girls of the dance-hall class, but he aspired to shine in the eyes of those foolish women who admire a gay, bad man. He would have preferred to have his share of the plunder then and there in order to stay in California to win the hand of Mamie Slocum. But Darcy was determined to get out of the country as quickly as possible, and

when they separated insisted upon taking all the gold. It would not do to quarrel with him, for both would be lost if either was suspected. To share in the plunder he would have to go East with Darcy, who was to board the same train at Gold Run that Collins would take at Dutch Flat.

The girl or the gold? Because of his infatuation for the girl he had become a highwayman. He had not expected her to come down from Graniteville that day. He had not counted on being nearly killed by Cummins, for it was he whom Cummins had overpowered. He had not supposed that anyone would be killed. Things had turned out in a strange and terrible way. To gain a few thousand dollars by highway robbery was no worse than to win it by a dozen other methods counted respectable. Among the youth of Nevada City with whom he had associated, it was commonly believed that every successful man in town had done something crooked at some time in his career — that life was nothing but a gamble anyhow, and that a little cheating might sometimes help a fellow.

When he had learned, some months before, how greatly Mamie admired Will Cummins, he had thought it good policy to pretend a like admiration. While the girl was in Graniteville, away from her parents, he had seen her as often as he could, and had, he was sure, acted the part of a chivalrous gentleman. He had referred to his jail record in such a magnanimous way as to win her admiration and sympathy. And he had been magnanimous toward Cummins. He had stoutly maintained that even gentle-

men of the road are men of honor, incapable of petty meanness, merely taking by force from some money-shark what was rightfully theirs by virtue of their being gentlemen. Therefore, he argued, no self-respecting highwayman would rob a man like Will Cummins — the merest hint that property belonged to him would be sufficient to protect it. He had waxed eloquent over the matter.

He was now appalled to think how his argument, though insincere, had been refuted. That Mamie had spoken those fatal words was not a ruse of his but an inexplicable accident. How could he ever see the girl again? And yet, in this one respect he was innocent, and he wished she might know it. Besides, he was man enough to sympathize with her in her awful predicament. With what horror she must be thinking of her part in the tragedy! There was considerable generosity in his nature, and he actually debated, criminal though he was, whether he might not better let Darcy keep the loot and stand by Mamie.

The girl or the gold? Is it surprising that the decision of J. C. P. Collins was similar to that of other Californians? Similar to Cummins', for example? He decided to make sure of the gold first and to think about the girl later. With six or eight thousand dollars in the bank he would be a more valuable friend than a poor man could be. After this affair had blown over, and he recalled the fact that Doc Mason had performed eleven autopsies on murdered men in the last ten years, and not one murderer had been hanged so far, — he would rescue Mamie from

the demoralization of the gold fields and take her to live in St. Louis or New Orleans. And now he saw with some satisfaction that her apparent complicity in the crime would make life hard for her in Nevada City and impel her to accept such a proposal.

It might have been just as well if the rattlesnake coiled in his path at that moment had ended his existence, but the snake was indeed an honorable highwayman, and sounded a gentlemanly warning in the nick of time. Collins would have killed it for its pains, but killing had upset his nerves that day. So he left the reptile to try its fangs on a better man. Besides, he reflected that he could not consistently advocate capital punishment, and he sincerely hoped that his humane sentiments would spread in California. He recalled the fact that there was a strong party among the good people of the State, represented by several ladies who had brought him bouquets and jellies when he was in jail, who were trying to abolish capital punishment. Judging from Doc Mason's experience in murder cases, the efforts of these good people were not called for. And yet the law as it stood had unpleasant possibilities for Collins.

He was really sorry about Cummins. Of course, Cummins was a fool. A man of such character would not miss a few thousand dollars in the long run. What a fool he had been to risk his life! Of course, he, Collins, had risked his life, too. But how different were the two cases! Cummins had rich friends who would help him; Collins had no friends, barring a few silly women. His long suit was women. He really

regretted Cummins' death more on Mamie's account than for any other reason.

Poor Mamie! But it must be the gold and not the girl this trip. When he had invested his capital and made his pile, he would play the prince to his Cinderella. They would both be glad to flee this country. Bah! the very soil was red! Golden blossoms sprung from it, but the roots were fed with blood. Collins was a young fellow, by no means a hardened criminal, and the excitement of the day stimulated intellect and emotion like the drug of a Chinaman.

He reached Dutch Flat in due season, and found several old cronies at the railroad station, where people were discussing the death of Cummins. He succeeded in showing the due amount of interest and no more, and was diplomatic enough not to suggest that the murderers were now on their way to San Francisco. He took the train going East according to schedule, and found Darcy playing poker in the smoking car. Collins betook himself to his pipe at the other end of the car, glad that night had come, and that he would soon bid farewell to the Sierras. He felt the train swing round the horse-shoe curve through Blue Cañon, and shortly afterward he noticed that they had entered the snow sheds, which for forty-five miles tunnel the snow drifts of winter, and which in summer lie like a huge serpent across the summit of the mountains. Once out of the sheds they would speed down the valley from Truckee into Nevada.

The fugitives were well over the line before they took any notice of each other. Except for themselves

the smoker was now empty, and they had prepared to spend the night there like honest miners who were down on their luck.

Collins remarked in an undertone:

"Darcy, we have given them the royal sneak."

"Know what I've been thinking?" replied Darcy. "I've been thinking of that wise remark of Ben Franklin's when he signed the Declaration of Independence."

"What was that?"

"We've got to hang together or we'll hang separately."

"That's no joke."

"You bet your soul it's no joke. And you'd better shut up and go to sleep."

Silence for ten minutes. Then Collins said,

"You're a tough nut to talk about sleep when you've killed the best man in Nevada County."

"Where would you be, J. C. P. Collins, if I hadn't killed him? You'd be in hell this minute."

"Thanks, awfully. But I wish the man wasn't dead."

"What did the fool put up a fight for? He could see we had him."

"That 's what I say. He was a fool to risk his life. He could see there was no help coming from those sports."

"Well, Collins, there was one of them that made me feel nervous — that Chinaman. But the rest of them had him corralled. Mat Bailey couldn't do nothing up there in the air. Cummins was a fool, that's all."

"Must have wanted his gold pretty bad. And I wish to God he had it right now."

"Here, take a nip of brandy. Your health's getting delicate."

"Well, partner, no harm meant. But I must say I sympathize with Cummins. He and I have made the same choice today."

"How's that?"

"The girl or the gold — and we both chose the gold. And I'll be hanged if I don't think we were both right."

CHAPTER IV

A COUNCIL OF WAR

Six days had elapsed. It was evening, and in the large room over Haggerty's store at Moore's Flat the lamps had been lighted. Here ten members of the Keystone Club had gathered to see if something might not be done to avenge the death of Cummins. Henry Francis presided; but the meeting was informal. These men had not met to pass resolutions, but to decide upon some line of action. So far not a trace of the murderers had been found, except for their discarded clothing. Sheriff Carter's bloodhounds had followed a hot scent to Deer Creek, several miles above Nevada City, and the posse who followed the dogs were led to a pool, in the bottom of which, weighted with stones, was the clothing. Further than this the dogs could not go. They were soon sneezing as the result of inhaling red pepper, scattered on the rocks. And the robbers had probably waded up or down stream to insure complete safety.

Several suspicious characters had passed over the railroad to Sacramento and San Francisco; but this was an every-day occurrence, and the police had learned the futility of arresting men who were probably innocent miners pursuing the gay life.

Nothing thus far had been accomplished. Hence

the meeting over Haggerty's store. Dr. Mason and Mat Bailey were present. The doctor came because of a sense of civic duty. His British sense of justice had been outraged beyond endurance.

"You know, Mr. Francis," he said, "I have performed autopsies upon eleven murdered men within the last ten years; and in no case has one of the murderers been brought to justice. It is outrageous, scandalous. Decent men cannot afford to live in a community where people are more interested in making money than in enforcing the law. Decent men become marked men — marked for slaughter as Cummins was. We must do something, if only to protect ourselves."

"You are quite right, Doctor," replied Francis, "and we propose to investigate for ourselves. Did you notice any suspicious circumstance when you rode down from Eureka South the other day?"

The doctor could not think of anything important unless it was the remarks of the gamblers at Moore's Flat about shipping gold dust out of the country. But if they were accomplices they would hardly have spoken so carelessly. And why did they leave the stage at North Bloomfield? They were still there; but no one had observed anything remarkable in their behavior.

That Cummins was leaving California, probably with gold, was a well-known fact. That he would go armed, considering the character of the man, was almost certain. And this was a good reason why bankers at Moore's Flat or Lake City might ship bullion that fatal day. Mat Bailey nodded solemn assent, for he knew that this was sound logic.

It was now his turn to offer suggestions. A stage-driver is always a person of importance, especially in California. For the past six days Mat had found his public importance rather embarrassing. Every trip past the robbers' hiding-place had brought an avalanche of questions from curious passengers. Probably Mat Bailey had been forced to think of the tragedy more constantly than had any other person. His opinion ought to be valuable.

He hesitated, and seemed loath to speak his mind.

"Out with it, Mat," said Francis. "This hearing is among friends, not official. Tell us just what you think."

"Well," replied Mat, "there is one circumstance you gentlemen ought to know. Up to this time nobody has mentioned it; and I hate to be the first to speak of it."

Everybody's interest was aroused. After a pause Mat continued:

"When the robber was going over the baggage he came to Mr. Cummins' valise, and asked, 'Whose is this?' One of the passengers spoke up and said, 'That belongs to Mr. Cummins.' Then the row began."

"Who is the guilty man?" cried Francis.

Mat looked embarrassed: "It wasn't a man. It was Miss Slocum."

There was a moment of silence. Everybody was shocked, and trying to work out in his own mind some logical connection between the school-teacher and the crime.

"That's where you've got us guessing, Mat,"

said one. "What can a crowd of bachelors do if you drag a woman into the case?"

"And yet," said another, "what else ought we to expect? A woman's at the bottom of everything, you know."

"Yes, we would none of us be here in this wicked world except for our mothers," remarked the doctor sarcastically. "How has Miss Slocum been acting since the tragedy, Mat? I must confess I can't think ill of that girl."

"Well, Doctor," replied Mat, "she has acted just as you would expect an innocent girl to act. She's been all broken up — down sick a good part of the time. And I don't believe there's a man, woman, or child in Nevada City who mourns Will Cummins more than she does. That's why I hate to mention her name. And that's why I haven't said anything up to this time. But some of those cowards who looked on while Cummins was murdered have begun to talk; so you would have heard the story sooner or later anyhow. Still, I hate to mention the girl's name."

"You have done right," said Francis. "The girl might have helped the robbers without intending to. Frightened out of her wits, perhaps. Somebody might question her kindly, and see what's back of this. And, gentlemen, as Bailey spends a good deal of his time at Nevada City, it seems to me he is the man to follow up this clue. Call on the girl, Mat, and see what you can find out."

So out of a sordid tragedy there was spun a thread of romance. The school-teacher and the stage-

driver are about the only characters who do not require the "gold cure." Mat had ridden over the mountains at all seasons until he loved them. His chief delights were the companionship of his stout horses and his even more intimate companionship with nature. To scare up a partridge, to scent the pines, to listen to the hermit thrush were meat and drink to him. That there was gold in these noble mountains moved him very little, though this fact provided him with a livelihood for which he was duly grateful. The school-teacher was fortunate to be brought up with a sharp turn so early in life, and to find so true a friend as Mat Bailey.

But this was only the beginning of the council at Moore's Flat. It was suggested that John Keeler, Cummins' old partner, be employed to scour the country in search of the assassins. There was no more trustworthy man in Eureka Township than Keeler. His affection for Cummins was well known. But his peculiarities might unfit him for the proposed mission. His Southern sense of chivalry unfitted him for detective work that might involve deceit and downright lying. He cared more for his honor than he did for money, and had been known to refuse very tempting offers. Finally, he was opposed to violence. He had refused to act as a watchman for a ditch company on the ground that he might be expected to shoot some one. It was a question whether Keeler could be induced to bring a man to the gallows.

Presently, Dr. Mason spoke up:

"You couldn't employ a better man than Keeler.

He is the soul of honor, as you all admit. For several years he was Cummins' partner. As sheriff of Nevada County he would free it of thugs and murderers as he frees every claim that he works of rattlesnakes. He is death on rattlers. Killed more than a hundred of them last summer. But the lawless element of this county take mighty good care that Keeler is not elected sheriff. So much the better for us, for he is free to manage this business."

The doctor's speech made an impression. But these Californians had not yet learned the value of honor. They seemed to think that they could catch the murderers if they put up enough money. They themselves were too busy making money to hunt down the outlaws; but they assumed that money would do it; and they were willing to put up thousands of dollars. But numerous rewards for the apprehension of desperadoes were outstanding at that very hour; and the desperadoes were still at large. As a money-making proposition, mining with all its uncertainties was more attractive than professional detective work. Then again, these Californians could not trust a man actuated by motives higher than their own. Indeed, their chairman, Henry Francis himself, for some subtle reason which it would have been well for him to analyze, was opposed to employing honest John Keeler. It would have been well for Francis, before it was too late, to realize to what an extent money standards were replacing honor in his own life. It takes determination, loyalty, devotion, to accomplish a difficult task; and such qualities cannot be bought.

When Captain Jack and his Modocks held a council of war in their lava beds, they accomplished things which it was beyond the power of these fortune-hunters to accomplish. Captain Jack had no gold, but the skill, loyalty, and devotion of every Indian of his band were at his command. And yet Francis would have imagined himself the superior of Captain Jack.

As time was passing, with little accomplished, Francis suggested that they might first decide upon the amount to be offered as a reward for the apprehension of the murderers. It was voted to offer a reward of \$10,000, or \$5,000 for either of the two men.

"Now, gentlemen," said Francis, "I shall have to go over to Fillmore Hill to-morrow to see Mr. Palmer, who holds a note against Will Cummins. You know I am settling the estate. Keeler will be over there, they say, and I will talk with him. But on the way over, I shall look up a man worth two of John Keeler in a business like this."

"Who is that?" asked the doctor.

"Mr. William Brown."

No one seemed to know William Brown.

"He lives a mile up the cañon," continued Francis.

"Oh, you mean Bed-bug Brown," said Mat Bailey.

"Yes," replied Francis, "that's the name he commonly goes by."

"I know the man," said the doctor. "Says he came here in '54 and that he has had a picnic ever since. Though he couldn't have had much of a picnic that first winter, when he camped out by the big

log; and only a few winters ago Palmer had to send him a quarter of beef."

"Well, Brown is a born detective," said Francis. "He worked up the Caffey case like a professional."

Ben Caffey's brother had been hanged in Wisconsin, in the region of the lead mines, ten years before. He was innocent of the crime charged, and Ben had vowed vengeance on the jury. All twelve of the jurors, though scattered over the country from New Orleans to the cañon of the Middle Yuba, had met violent deaths. The last man had been a neighbor of Brown's. Just before his death a stranger with a limp left arm had appeared at Moore's Flat; and Brown had proved to his own satisfaction that the same man with a limp arm had appeared at New Orleans just before the death of the eleventh juror in that city. The man with the limp arm was Ben Caffey. Such was Brown's story. People had not paid much attention to it, nor to the murdered man's lonely grave by the river. Henry Francis, evidently, gave Brown full credence, but others present regarded "Bed-bug Brown" as a joke. True, he was an intelligent little man. He had taught school at Graniteville several winters, and had succeeded better at this business than at placer mining on the bars of the Middle Yuba. But "Bed-bug Brown," perennial picnicker, was not a scientific sleuth.

So when the council of war broke up, a feeling of skepticism prevailed. Mat Bailey saw more possibilities in his own suggestion than in the \$10,000 reward. Dr. Mason saw more possibilities, however slight, in the reward than in the proposed detective.

And Henry Francis, though he had known Cummins from boyhood, and was even now settling up his estate, pretended to see more possibilities in a stranger than in honest John Keeler — or himself.

CHAPTER V

OLD MAN PALMER

Robert Palmer, tall, thin, bent with toil, had lived in California thirty years. In May, 1849, when the snow drifts were still deep in the cañons of the Sierras, he had crossed the mountains, past Donner Lake and the graves of the Donner party, through Emigrant's Gap, to the valley of the Sacramento. He was thirty-two years old at that time,—no mere youth, seeking treasure at the end of a rainbow. He was already a man of experience and settled habits, inured to hardship and adverse fortune. As a youth he had left his native hills of Connecticut, to sell clocks, first in the South and then in the lumber camps of Michigan. There, the business of Yankee pedlar having failed, he found himself stranded. His father was a prosperous farmer; but a stepmother ruled the household. So young Palmer hired out to a Michigan farmer, for he was one of those hardy New Englanders who ask no favors of fortune. Imagining a pretty frontier girl to be a sylvan goddess, with a Puritan's devotion he made love to her, only to be scorned for his modesty. But failure and disappointment served but to strengthen him, and he struck out for California.

He nearly perished on the way there, while crossing the deserts of Nevada. In Wyoming he had fallen

into the hands of that brave true man, John Enos, then in his prime, who had guided Bonneville, Fremont and the Mormon pilgrims, and who, — living to the age of a hundred and four years, — saw the wilderness he had loved and explored for eighty years transformed to a proud empire. Enos had guided Fremont through Wyoming. It is rather too bad that Palmer could not have accompanied Fremont and Kit Carson when, in February, 1844, they crossed the snowy summit of the Sierras and descended through the deep drifts to Sutter's Fort and safety. That was four years before the discovery of gold in El Dorado County.

Palmer was not crazy for gold. Arrived in the Sacramento Valley, he spent three or four years at farming. Perhaps his Yankee shrewdness saw larger profits in hay and cattle than in washing gravel. But certainly his New England integrity and soberness of character were more in keeping with the spirit of the pioneer than with the spirit of the adventurer.

While reckless young men were swarming up the valleys of South, Middle and North Yuba, finding fabulous quantities of gold and squandering the same upon the Chinese harlots of Downieville, Robert Palmer was making hay while the sun shone, which was every day in the Sacramento Valley. But land titles were so uncertain that in 1853 he turned to mining, — at Jefferson, on the South Yuba. He prospered to such an extent that by 1859 he had sent \$8,000 back to Connecticut to pay his debts; and he had laid by as much more. Frozen out of his claim by a water company — for without water a miner

can do nothing — he sold out to the company in 1860, and went over to the Middle Yuba, where he bought a claim on Fillmore Hill, with a water ditch of its own.

Here Palmer lived and toiled for twenty years, washing the dirt and gravel of an ancient river-bed high up on the hill-top between Wolf Creek and the Middle Yuba. He rented water from his ditch, sometimes at the rate of two hundred and fifty dollars a month, to other miners. From the grass roots on the hillside some lucky fellows cleaned up \$10,000 in a few days. For several years John Keeler and Will Cummins rented water from Palmer and helped the "old man" keep his ditch in repair.

The old man lived alone, industrious, and so economical as to excite the mirth or the pity of his rough neighbors. Some who heard that he had loaned \$60,000 to a water company at 12 per cent. interest, regarded him contemptuously as a miser. How else explain his shabby clothes, his old rubber boots, that were out at the toes, his life of toil and self-denial? Palmer never gambled, nor caroused, nor spent money on women. He attended strictly to business, bringing to the bank at Moore's Flat from time to time gold dust of high grade, worth from \$19 to \$20 an ounce. And those who bought his gold marked how rough and torn were the old man's fingers, the nails broken and blackened and forced away from the flesh.

But Keeler and Cummins had seen through the rough exterior. They knew something of his charities. They had tasted his good cheer; for he kept a

well-stocked larder. They had seen with amusement his family of pet cats seated at table with him, and each receiving its rations in due order, like so many children. Keeler told with glee about the old man's horse and mule, idly eating their heads off on the hillside. They had come to Palmer in payment of a debt, and although he had had a fair offer for the mule he had refused to sell, on the ground that without the mule the horse would be lonesome.

Robert Palmer knew what it was to be lonesome. True, he employed a hired man or two occasionally, and when he cleaned up his sluices he employed several — and, let it be said, he paid good wages. There were neighbors, but with most of them he had little in common. The Woolsey boys, at the ranch in the bottom of the cañon, whose widowed mother had come from St. Louis to marry old Sherwood, had grown up under his kindly eye. In early boyhood their active limbs had scaled the forbidding ledges of Fillmore Hill, and Robert Palmer had granted them permission to hunt on his claim.

One night in his cabin on the mountain top, when the gold dust from the last clean-up had not yet been disposed of, he was startled by a noise outside. He blew out the light and hid his little bag of treasure in the ashes of his forge. None too soon, for there was a summons at the door, and when he opened it he was confronted by three masked men. With drawn pistols they demanded his money. He said he had none. It was useless to resist, so he let them bind him hand and foot. Again they demanded his money. Again he said he had none. They knew better, and

they threatened to burn him alive in his cabin. But Palmer was firm. Then they burnt his legs with a hot poker, and threatened to shoot him, as they might have done with impunity in that lonesome place. Still he was firm, so they set him on the hot stove and tortured him in that way. One of the party, more humane than the rest, protested against more extreme measures; so that, after searching the cabin, they gave up their enterprise, baffled by that indomitable man. Before leaving him one of the men asked:

“ Mr. Palmer, do you know us? ”

Realizing that such knowledge meant death, he replied:

“ No, I don't know any of you.”

And so they left him. The lone miner no doubt had suspicions concerning several of his worthless neighbors; but to the day of his death he kept such suspicions to himself.

Is it any wonder, living in that lawless country, that Robert Palmer became almost a recluse? But why should he work so? He was working unselfishly for others, as you will see when you read his will, for his twenty-nine nephews and nieces. As if a heap of double eagles would be of any particular use to relatives who had well-nigh forgotten him! No, they had not forgotten. For one nephew borrowed money, which was, however, repaid, and one niece secured five hundred dollars by sharp practice worse than robbery. Robert Palmer made the mistake that many an unselfish man has made, the mistake that insurance companies insist is wis-

dom: he labored to provide others with gold, as though gold were a substitute for thrift, prudence, and self-reliance. Never mind, the old fellow did nephews and nieces no harm, though he disappointed several who had depended upon him to lift them from poverty; for in the end his hard-earned money was lost. His only legacy was his example of thrift, unselfishness, and integrity. When men go about gathering riches for others, let them gather things of the spirit. The answer to this, perhaps, is that even such riches cannot be transmitted, that every soul must enrich itself. That is true; but a noble character is at least inspiring, and leaves the whole world richer.

In the case of one nephew, Robert Palmer found a man who loved him but needed none of his gold. This man was an astronomer, who, returning from a scientific expedition to Behring Strait in 1869, paid his uncle a visit. At that time this meant a trip of forty miles into the mountains by stage and on horseback from the line of the newly constructed railroad; for the narrow gauge from Colfax to Nevada City was not built until 1876. It was a happy day for Robert Palmer when his sister's son, — covered with dust, — scaled Fillmore Hill. Here was a meeting of two strong men, blue-eyed Anglo-Saxons, large of frame, spare, rugged, their fair skin tanned by the blazing sun of California.

What a glorious visit they had! And how they revelled in a thousand recollections of their New England home! For nine days the astronomer shared his uncle's cabin, a new one, built of sawn timbers

and boards, and quite comfortable. Several days they worked together in the mine; and when at last the hour of parting came, Robert Palmer sent by his nephew a present to his grandnephews in Washington, the astronomer's three small sons. It was the gold mined in those nine days, some one hundred and thirty dollars in value. Thereafter the boys played miners and stage-robbers and wild West generally, with sheet gold in the guise of yellow envelopes hidden away between the leaves of books to represent gold mines.

CHAPTER VI

TWO OF A KIND

The day after the council of war at Moore's Flat, John Keeler crossed the cañon of the Middle Yuba to talk over the death of his old partner with Robert Palmer. As he clambered up the steep side of Fillmore Hill to the claim he had worked with Cummins fifteen years before, all the poetry and all the sadness of life in California came over him. How vividly he remembered his arrival, at the age of eighteen, in this land of romance and adventure! He had reached Moore's Flat on the Fourth of July, 1860, when bronzed miners were celebrating in reckless fashion. The saloons were crowded, and card games were in progress, with gold coins stacked at the corners of the tables. Out of doors some red-faced fellows were running races in the streets and shouting like wild Indians. Over the door of a restaurant was the sign "Eat, Drink, and Be Merry," and the youth pondered the words of Scripture following these festive words, but not quoted by the enterprising proprietor.

He remembered now, after nineteen years, the strange aspect of nature in this strange land. What great mountains! What deep cañons! What huge pines, with cones as large as a rolling-pin! The strange manzanita bushes, the chaparral, the buck-eye with its plumes, the fragrant mountain lily, like

an Easter lily, growing wild. It had seemed good to him, a stranger in this strange land, to see old friends in the squirrels that scampered through the woods and crossed his path, to find alders, and blossoming dog-wood, the mountain brake, and his childhood's friend the mullen stalk. Even to this day when he came upon an orchid, or a wild rose, with its small pink petals (smaller in this red sterile soil than in his native country), or when a humming bird in its shining plumage came to sip honey from the flowers, or when in the still woods he heard the liquid notes of a hermit thrush, the romance and the reverence of youth thrilled him.

John Keeler was something of a poet, though the needs of his family at Eureka South kept the bread and butter question in the foreground. He must see "old man Palmer" to talk over the death of Cummins. He was comforted a little when the old man's small black dog, Bruce, came frisking down the trail to meet him; and when Sammy, the cat, tail in air and purring a thousand welcomes, rubbed his sleek fur against the visitor's boots, Keeler foretasted sweet solace for sorrow.

"Why, hello, Keeler! Mighty glad to see you!" And then in a changed voice, "You're fagged out. It's an all-fired steep trail. Come in."

"No, thank you," replied Keeler, and he seated himself upon a chair in the door-yard. "It's pleasant out here under the pines. I want to talk."

"I've been expecting you," said Palmer, "ever since the news came about Cummins."

"Well, if it wasn't for my wife and boy, I'd pull up stakes, and get out of California."

"Don't blame you. This thieving and promiscuous killing are enough to discourage anybody. Too bad they can't get the robbers, just this once, and string 'em up."

"I'm a peaceable man, as you know, Mr. Palmer. But I'd be willing to hang those fellows with my own hands. It wouldn't help Will Cummins any, but it would give me solid satisfaction."

"Well, Keeler, I'm glad of one thing, Cummins was a bachelor, like me, and not a married man."

"I've thought about that, but it don't give me any comfort. Will ought to have married years ago. His life might have counted for something then; but now it seems as if it had been wasted."

"Maybe you think my life's been wasted, too?"

"No, Mr. Palmer, you know I could never think that, after your kindness to Will and me."

"Well, Will Cummins was more generous than I ever was," answered Palmer. Main trouble with Will was his temper, which was no better than mine. Every bad man in these mountains knew that Will Cummins was ready to treat him to his own medicine."

"Yes, I wish he hadn't said so much about defending yourself. I wish he hadn't carried a pistol that day. He wouldn't have been so ready to fight, perhaps."

"One thing certain," observed Palmer, "if he was going to carry a pistol at all, he ought to have had it handy, not under his duster."

"Well, it was natural to think the danger past when they had got safely away from the South Yuba.

The robbers knew their man, and they played a shrewd game."

"It's easy enough to win when you play with loaded dice. I get boiling mad when I think of these low-down, worthless rascals who don't stop at any meanness, ready to commit murder for fifteen cents. They ought to be treated worse than rattlesnakes. But, as you said just now, all this don't help Will Cummins. But Will is all right, John. You know that as well as I do."

"I came up here to hear you say so. I've pretty near lost faith in God and man, I reckon."

"I lost faith in man long ago," answered Palmer, smiling sardonically. "If the fall of Adam and the curse of Cain are fables, — as they are, of course, — they are just as true as Æsop's fables, for all that. They hit off human nature. But man isn't all. I've never belonged to any church, as I've often told you. But the longer I live the more I trust in Providence. Will Cummins was a good man, and he's all right, I tell you."

"I feel that way myself. But I know my feeling in the matter don't alter the facts any. How do you figure it out? "

"Well, my creed's about this: in spite of all the wickedness, this is a beautiful old world. How gloriously the stars shine down every night upon these mountains! Or, take Bruce and Sammy here" — and the old man caressed his pets — "why, they love me to distraction. And I love both the scamps, I certainly do. But what is that to your affection for your partner, John Keeler? It is a good old world,

I say. Then the Power that's in it and back of it, 'in whom we live and move and have our being,' is a good Power. Well, then, God is good. And that's all we need to know. If God is good, we can depend upon Him in life and death. We don't know what death means. But it's only a natural thing. It can't matter much. I will know more about it, I guess, when I am dead."

"I don't doubt you're right, Mr. Palmer. Once, back in Maryland, I heard a minister say that grief comes to open our hearts to God. It was at my mother's funeral. I reckon he was right, too. But my heart bleeds for Will Cummins."

Palmer looked at him critically a moment, as if weighing him in the balance. Then, as if completely satisfied with his friend, he spoke:

"John Keeler, I want to talk business. I want you to hunt those rascals down. I'll back you for any amount. I'm past sixty, or I might attend to the business myself. You're still a young man. I'll see that Mrs. Keeler and the boy lack for nothing while you are gone. And I don't expect you to take any risks. I simply want you to get the facts, then turn them over to the authorities. Will you do it?"

Keeler hesitated. "There's very little to go on. The robbers have cleared out, and nobody knows who they were or where they went."

"Don't you believe it," said Palmer. "If decent people don't know, there are the other kind."

"I reckon you and I would be about as helpless as babes with 'the other kind.' We've always despised them and kept away from them."

“ But they’re human, like the rest of us. You and I understand human nature pretty well. We won’t breathe a word to any one. You tell Mrs. Keeler you’re attending to important business for me, that I’m grub-staking you, and that there’s something in it for you and the family. If the neighbors get wind of it, they’ll think, perhaps, you are attending to money matters for me. They seem to be mighty curious about my money.”

“ Well, I might do it, if I only knew how to go about it.”

“ Well, Keeler, I think I can give you a start. And while we eat some dinner I’ll tell you a story that will surprise you.”

These Californians were certainly two of a kind; but then, two of a kind, though both be kings, is not a strong hand.

CHAPTER VII

AN OLD SWEETHEART

When his guest had been abundantly supplied with the best the larder afforded, not forgetting condensed milk for the coffee, Palmer began his story.

"Since you were here last, Keeler," he began, "I've been to San Francisco. Nothing remarkable about that, of course. Any man might have business at the Hibernia Bank. Then again, it's worth the trip from Moore's Flat just to stand on the sea-shore an hour."

"Yes," said Keeler with enthusiasm, "there's a noble sight."

"But," continued Palmer, "I'm too old a man for pleasure trips. And for that matter, I'm about through with business, too. I went to San Francisco for a special reason."

Keeler looked up from his coffee inquiringly.

"I went to see an old sweetheart."

Here Keeler smiled. It seemed odd to think of old man Palmer going upon such a mission.

"I suppose I ought to say that the woman snubbed me when I was young, and later cared more for my money than she did for me. But I loved that woman thirty years ago, and was fool enough to think I might win her if I could strike it rich here in California. I'm older now, and wiser, I hope. If a wo-

man won't marry a man 'for richer or poorer' — especially poorer — she oughtn't to marry him at all. There's my nephew who was out here ten years ago. Married without a dollar and got the best wife in the world. No, Keeler; I may be a fool; but I'm not the kind of fool to marry an old woman because she hankers after my money.

"I went to San Francisco because I pity the woman, and because I thought I might help her to become more decent and self-respecting."

Here the old man paused. Keeler noticed that he was much embarrassed.

"I would have kept this affair to myself, Keeler; but we must get the rascals who shot Cummins, so you ought to know the whole story.

"Harriet Chesney was a pretty girl thirty years ago. Rather too proud of her good looks, and a selfish minx. But a young man who has had a good mother thinks all women are good, I guess. I was terribly cut up when she refused me; but I hate to think now what might have happened if she had accepted me!"

"Why, here ten years back, a brother of mine in Michigan wrote to warn me that Harriet Chesney was coming to California to murder me. He said she had burned two houses for the insurance; had got mixed up with several men and had robbed them."

"A regular she-devil," remarked Keeler.

"Well, sure enough, she turned up here in California, nearly ten years ago. And very likely she would have killed me if she could have got hold of my property. And if all the gold I ever mined could have saved her from the sin and misery of these past ten

years, she would have been welcome to it. But I couldn't buy her a clear conscience, could I?

"She got as far as Moore's Flat. Hung around there several days till she saw me at Haggerty's store. My old clothes must have disappointed her. It would certainly humiliate any woman, good or bad, to associate with such a scarecrow. So she cleared out, and went to San Francisco. I guess she found out she was only a novice compared with the women down there. And I guess in a year or two she was like all the rest. I tell you, it was an awful thing to think of. It's bad enough to see a man go wrong — but a woman! — and a woman you once loved — and still love, as God still loves her!"

The old man had to pause here; and he arose abruptly, as if to put aside his dishes; and Keeler, respecting his emotion, looked out of the window.

"Well, last March, Harriet wrote me a letter. Gave me her address. Said she was dying, and would like to see me. It was a week or more before the letter reached me, for the trails were badly drifted and I had been shut up here some time. John Woolsey brought the letter, and stayed until I read it, to see if anything was wanted. Said he would look out for Bruce and Sammy, so I got on my snow-shoes and started.

"I reached San Francisco next day. I almost wished the woman was dead, as she had a right to be by that time. If she was dead, I wouldn't have to say anything to hurt her. Well, I called at the address she gave, which was in the edge of Chinatown. I tell you it was disgusting to run the gauntlet there,

among those creatures. — I found the woman had been taken to the city hospital several days before and whether she was dead or alive the head she-devil of the place didn't seem to know or care.

"I found her at the hospital, sure enough. The doctor said she was getting better, and would probably live. I didn't know whether to be glad or sorry; and I was tempted to go home and write her a letter. She might not care to see me now, anyway.

"But I stayed and had a talk with her; and I am glad I did, though I couldn't help remembering the old rhyme,

"When the Devil was sick, the Devil a saint would be:
When the Devil got well, the devil a saint was he."

"Harriet Chesney needed a friend, and she was glad to see me. She was more than glad to know that I had come as soon as I could. Said she had told herself I would not fail her — that it was the snow and the cañon and not some other reason that kept me away. Said she thought she was going to die; and that she wanted me to know she was sorry she had done wrong. The doctor had told her she would get well, so she was going to be an honest woman if I would help her. And what do you suppose she wanted me to do?"

"Lend her some money, most likely," said Keeler.

"No, sir. She didn't want any money. Said she wanted to write to me every Sunday, and to see me whenever I came to San Francisco. Of course, I agreed, though I told her I don't go down to the city once a year, as a usual thing. I told her if she thought she needed me to write and I would try to get down. That seemed to satisfy her.

“Well, she has written to me every week since then. By the first of June she was able to work. And since then she has earned an honest living, scrubbing floors. Here is her last letter.”

Keeler took the proffered sheet and read:

“San Francisco, Sept. 5, 1879.

Mr. Robert Palmer.

Dear Sir:

I have just read about the murder of Mr. Cummins. The papers say he lived at Moore's Flat, and worked a claim once on Fillmore Hill. So he must have been a friend of yours. It is too bad. I might help you find the murderers, as all the bad men of Nevada County are known down here. If you will come down here or send somebody, I will help you all I can.

I am getting along all right.

Very respectfully,

Harriet Somers.”

“I thought you said her name was Chesney,” remarked Keeler, as he returned the letter.

“Oh well, she claims to have been married to two or three different men. Calling herself Mrs. Somers seems to help her keep her self-respect. She says Somers is dead. For my part, I never enquired whether there ever was a sure-enough Mr. Somers or not. But I am sure she can help us in this business. I wish you would have a talk with the woman.”

“There is no harm in that. I'll do it. And if I can

find anything to go on, I'll undertake to follow up those fellows. Perhaps I can find out something at Nevada City. I reckon I'll have to let you look out for Mrs. Keeler and the boy, as you say."

"I'm mighty glad to hear you say that. And I'll make out a check right now. Smith, the livery man at Eureka South, will cash it; and you can take the stage out tomorrow morning."

"All right. I reckon we'd better not lose any time."

Palmer had already got out pen and ink. It was something of a "chore" for the old man to draw a check. Miners' paralysis was creeping on, and two years later the best he could do was to make his mark. But today he prolonged his labors, making out a second check, to be cashed when Keeler reached San Francisco.

The business was hardly transacted when Henry Francis walked in.

"Glad to see you, Francis!" exclaimed the old man. "What news from Moore's Flat?" He exchanged glances with Keeler which seemed to mean that their business should be regarded as strictly private, although Henry Francis was the friend of both, and had won the confidence and affection of old man Palmer. Francis and Palmer held the same political faith. The former came of a distinguished Democratic family, so that the old man's protection and loyalty had been bestowed upon him upon his arrival in the gold fields twenty years before. Furthermore, the old man had proved the unfailing honesty of the younger man. Jew bankers, in blow-

ing dirt and impurities from gold dust offered for sale, were not over-careful about blowing away gold dust, too, which would be caught on buckskin placed out of sight behind the counter. Palmer's dust was very fine, and more than once he had suffered through such sharp practice, only to vow he never would suffer so again. In Francis he had found a strictly honest banker, whose virtue he was inclined to attribute to correct political principles, overlooking the moral delinquencies of other Democratic neighbors. But the old man, through long years of experience with human nature in California, had grown extremely cautious and secretive. Probably no one would ever have been the wiser in regard to his old sweetheart and her sad history except for the escape of Cummins' murderers. And now it was not necessary that any man other than Keeler should know.

"Glad to see you, Francis. What news from Moore's Flat?"

Francis looked grave. "I suppose Keeler has told you all I know. Seven days gone and nothing heard of the robbers. I shall expect a telegram tomorrow or next day, telling of Will Cummins' burial in the village cemetery at home. And his old father and mother are going to be denied the small comfort of knowing that the murderers have been caught.

"Keeler, you were Cummins' partner once. Do you have any idea who the robbers were?"

"I am sorry to say, I don't. This country is full of bad men. I have thought of the blacklegs along Kanaka Creek. A robbery in Jackass Ravine was traced to that gang. But the rascals stand together,

and are ready to defend a partner with alibis or pistols."

If Keeler felt constrained to withhold information about his intended visit to San Francisco in the capacity of detective, Francis on his part saw no reason to state that he had just employed Bed-bug Brown in a similar capacity. For in descending the cañon of the Middle Yuba, he had gone a mile out of his way up the river to the cabin of this worthy gentleman, and finding him at home had promptly engaged his services. Brown, like Keeler, was to take the stage to Nevada City on the morrow, provided with a fee for current expenses.

"Well," said Palmer, "I am glad for my part that the California gold craze is coming to an end. When the farmers down in the Sacramento Valley get the upper hand, they will stop hydraulic mining, for it keeps covering their good soil with sand and clay. The Government authorities say we are filling up San Francisco Bay, too; so Uncle Sam is going to step in and do something. Then those rowdies along Kanaka Creek and all the other bad men in this country will have to move on."

"And so will the rest of us," smiled Francis. "A man who has made his pile can afford to retire. But what about Keeler here, and me?"

"Well," persisted Palmer, "I think Will Cummins was right in wanting to leave the gold fields. Gold makes people crazy. Half our gamblers and thieves would be decent men in a decent community."

"Mr. Palmer means," said Keeler, "that Pat Flynn, who is a good Democrat, but who doesn't pay

back the fifty dollars he borrowed from Mr. Palmer last winter, would be a better Democrat back in Connecticut, making wooden hams and nutmegs." With this he shook hands with his friends and departed, for it was evident Francis had some private business with the old man.

When they were alone, Francis said:

"You know, Mr. Palmer, that we Pennsylvanians stand together. I have undertaken to settle up Cummins' affairs. I find you hold his note for a thousand dollars."

"I do. Lent him the money when he made a fresh start a few years back. But I supposed I stood to lose it when the robbers took Cummins' gold the other day. I certainly could afford to lose it."

"Well, you don't have to lose it, Mr. Palmer. Cummins left mining stock at the bank in my care that will more than cover the debt. The fact is, I borrowed the value of the stock from him. Strictly speaking, I got him to put a couple of thousand into a paying proposition; and he left everything in my hands. So I am going to get you to cancel Cummins' note and to take mine instead."

"Francis, you are an honest man. The money is no great object with me. But because I have found out that honesty is a thing that ought to be encouraged, especially among friends, I will take your note and cancel the other."

So this business was settled. Robert Palmer, governed by kindly feeling rather than hard sense, overlooked his friend's weakness for speculation, rather counting it as honesty.

CHAPTER VIII

“BED-BUG BROWN,” DETECTIVE

When Mat Bailey drove the stage out of Graniteville the next morning, John Keeler and “Bed-bug Brown” were the only passengers. Brown had spent the previous evening learning all that he could about Mamie Slocum and her young admirers. He had actually learned that a young man from Nevada City who signed himself J. C. P. Collins had paid her attentions. He had also discovered that the young school-teacher had more than once expressed much admiration for Mat Bailey. In view of what Henry Francis had told him of Mat’s reflections on the school-teacher, Brown resolved, quietly and of his own accord, to keep an eye upon Mat as well as upon Mamie.

The little man was unusually quiet, revolving various theories in his head, and contemplating the magnificence of the ten thousand dollar reward. But the presence of John Keeler, Cummins’ old partner, suggested the wisdom of gleaning information from this source. So, in order to impress Keeler with his seniority and larger experience, he began:

“You don’t remember, I suppose, Mr. Keeler, when camels were introduced here in the gold fields?”

“No, that was before my time.”

“It was back in fifty-six, before the water-ditch

companies had fairly got started. It was as dry as Sahara on these mountains then, and it is no wonder somebody thought of camels."

"Well, when you think of our ostrich farms, camels don't seem out of place in California. Did you ever think, Mr. Brown, what extremes of climate we have right here in Nevada County? Along about the tenth of December they are cutting ice up in the Sierras while they are picking oranges in the western end of the county."

"That is pretty good for the banner gold county of the State. Most of us forget everything but the gold," replied Brown, smiling inwardly, to think how easily this remark would lead up to the desired topic.

"I'm getting sick of the gold," replied honest John Keeler. "All that was handy to get at has been carried away. No chance left for a poor man. It takes a big company with capital to run the business of hydraulic mining as they do at Moore's Flat and North Bloomfield. Quartz mining is still worse. By the time you've sunk a shaft and put up a stamping-mill, you've mortgaged your quartz for more than it is worth, perhaps. It takes capital to run a quartz mine."

"Yes," assented Brown, "this country has seen its best days."

"That's what old man Palmer says," remarked Keeler, looking across the cañon at Palmer's Diggings.

"You and Cummins did pretty well over there fifteen years ago," and the little detective's eyes twinkled at his own cleverness.

“We made a living; that’s about all.”

“But Cummins was a wealthy man some years back.”

“Well, his partner never was,” laughed Keeler.

“If I could scrape together the dust, I’d leave these mountains as he tried to.”

“Who do you suppose the robbers were?”

“If I could make a good guess, I’d go after that ten thousand dollar reward,” replied Keeler.

“There’s an awful tough gang over in Jim Crow Cañon,” said Brown, throwing out another feeler.

“Can you tell me of a place in these gold fields where you won’t find a tough gang? I was in Forest City the other day. I took the trail over the mountains through Alleghany. Both of those places are live towns with cemeteries,—well settled places, you know. But a tougher lot of citizens you never saw. Gambling, drinking, and fighting, and Sunday the worst day of the seven.”

“What impresses me most about Alleghany,” said Brown, “is the vast number of tin cans on the city dump. It makes a man hungry for the grub his mother used to cook.”

“You’re right there,” said Keeler, and lapsed into silence.

They were at Moore’s Flat presently, where they changed to the four-horse stage-coach; and the little detective’s attention was absorbed by the actions of Mat Bailey, who seemed strangely quiet. A guilty conscience, perhaps?

Several people were going down to Nevada City. So Keeler and Brown did not resume their conversa-

tion, but journeyed on, each absorbed in his own thoughts. To Keeler the trip was a sad one. In the dark woods along Bloody Run, and as they passed the tall rock by the roadside beyond, he thought of robbers and his murdered partner. At the store in North Bloomfield he could hardly resist the impulse to insult the cowardly storekeeper who had stood by and allowed Cummins to be shot. As they dove down into the cañon of the South Yuba, he groaned to think of the murders for gold committed therein. Could not a protecting Providence have saved his friend? Was it the decree of fate that one who had manfully defended the right for twenty-five years in that lawless country should be cut off just when he was quitting it forever? Perhaps, he thought, this very hour his partner was being laid at rest in his "ain countree." — And his soul? Well, he believed as Palmer did, that all is well with the soul of a brave man. Was he, Keeler, on a fool's errand to San Francisco? Well, he had determined on his own account to do a little investigating in Nevada City that very day. So had Mat Bailey. Hence his unusual taciturnity. So had "Bed-bug Brown," and he kept the secret to himself.

Arrived at Nevada City, with its steep streets, compactly built up at the centre of the town, church and county courthouse on the hillside, the traveler finds himself fairly out of the mountains, the luring fatal mountains, whose very soil has now the color of gold and now the color of blood. Mat Bailey's first concern was the care of his horses. Keeler went to look up his friend Sheriff Carter. And "Bed-bug

Brown ” partook of a frugal dinner at the moderate cost of two bits. He sat where he could observe the movements of Mat, and lingered in the neighborhood until the stage-driver had disposed of his own dinner and set out to call upon Mamie Slocum.

This young lady now spent most of her time at home. She had hardly recovered from the shock of the tragedy; and her imagination had conjured up a visit from the sheriff for her part therein. Instead it was only that splendid Mat Bailey, flicking the dust from his boots with his handkerchief, and mustering up courage to knock at the door! How glad she was to see him! And Mat thought that she looked very sad and pretty! She conducted him to the parlor, and proffered the seat of honor, a hair-cloth rocking-chair.

“ Let me call Mother. She will be so glad to hear about her friends in Graniteville.”

“ I’d rather see you alone, if you don’t mind.” And Mat blushed through his tan, but assured himself that duty prompted, if pleasure did consent. It was the best arrangement all round, as “ Bed-bug Brown ” himself thought, — for this worthy gentleman was eaves-dropping in the cellar, with only a floor of thin boards between himself and these interesting young people.

Under other circumstances Miss Slocum would have been fascinated at the idea of a *tete-a-tete* with this interesting, stalwart man of the mountains. But something in his manner, and her own overwrought nerves, told her there was trouble ahead. Should she run away, should she use a woman’s wiles

in self-defense, or should she confide in this handsome man? Distracted by these conflicting thoughts, she presented a charming picture of alarmed innocence, as Bailey thought; and his heart yearned to offer protection.

"Miss Slocum, I don't know how to put it, and I don't know what mean things you are going to think of me" —

And now Mamie began to sympathize with the big stage-driver, who seemed as much embarrassed as she.

"The fact is, Mr. Francis asked me to see you."

"Mr. Francis is a good friend of mine. He secured the school at Graniteville for me."

Bailey, grateful for this help, continued:

"He thought I might inquire about a matter" —

"Heavens!" thought Mamie, "does Mr. Francis know about my trouble? Mat Bailey must have told him!" If her intuition guided her truly in this matter, it no less truly recognized a friend in Mat.

"The fact is" — he began, and then he hesitated. "Damn it!" he thought, "how could he say things that would hurt this lovely creature?"

"Mr. Bailey, I think I know what you mean. You want to know why I told that robber about Mr. Cummins's valise. It has nearly worried me to death; and I don't wonder you all demand an explanation."

"Don't put it that way, I beg of you, Miss Slocum!" exclaimed Mat, greatly relieved that she had come to his rescue, but no less greatly concerned that he should appear in the hateful character of accuser

and informer. "We don't demand anything. We know you didn't have anything to do with those robbers. Mr. Cummins was a friend of yours; and you wouldn't do nothing to injure an enemy!"

Mat could use negatives properly when not excited.

The conversation was becoming less and less interesting to the little man in the cellar. But it was not easy to beat a retreat.

Mamie began to weep softly, but more from joy than otherwise. After the strain of the past week these honest words of Mat were balm to her.

"I — I will tell you everything, Mr. Bailey. Oh, how I have wanted to talk to some friend about it! But it was so dreadful! I couldn't breathe a word of it even to Mother."

Mat was all tenderness now; and the man under the floor began to prick up his ears.

"I was talking with a young man only a week before that dreadful day, and he said highwaymen are too generous to steal money from people like Mr. Cummins. And that the best thing anyone could do when a stage is robbed would be to tell the robbers about the property of passengers like him. I didn't believe it at first, and now I know how frightfully foolish I was. But the young man, who had been in jail once himself, was so positive, that I really believed a criminal has a sense of honor. And when the robber asked whose valise that was, I was so frightened the words came right out before I realized what I had done."

"Every word you say is God's truth, Miss Slocum,

and I hope you will forgive me for bothering you this way." It did occur to Mat that he might inquire who that young jailbird might be. And "Bed-bug Brown" was hoping that his name would be mentioned. But Mat reflected that this was none of his business; and that it did not matter anyhow. If Miss Slocum did not care to mention the man's name he would not ask for it. She had behaved nobly, and he admired her from the bottom of his heart.

"Really, Mr. Bailey, I am glad you gave me this chance to explain. You don't know what I have suffered. And then to think that I deserved to suffer it, and more, too, for causing the death of my own friend!" And here the tears came again, honest tears, as Mat knew full well. He rather envied Cummins that so beautiful a creature should grieve for him.

"Now look here, Mamie, it is all right to be sorry that Mr. Cummins got killed. Every honest man and woman in Nevada County is sorry. But you didn't cause his death, any more than I did. I never felt meaner in my life than I did that day, holding those horses and looking down into the barrel of that robber's gun. He had me, until he started for Cummins. And it was all over so quick, I hardly knew what happened. But I can't quite forgive myself for not jumping down after that robber as soon as ever he uncovered me. It would probably have been too late; and the horses would have run away, most likely; but still I wish I had jumped. But because I didn't jump I'm not going to hold myself responsible for Cummins' death. The robbers

must hang for it, and not you and me. As for what you said, I don't believe it made any difference at all. They were bound to get all the gold on the stage that day; and they knew Cummins had some.” —

“That's just it, Mr. Bailey, and that's what makes it so hard for me.”

Mat saw he had been swept off his feet by his own eloquence, and so he tried again.

“Well, they would have got it anyhow. They might have wasted a minute or two more hunting for it, but they would have found it, and Cummins would have fought for it just the same.”

“Yes, that is what I've thought,” said Mamie. “Oh, why did he risk his life so?”

“I'll tell you, Mamie,” said Mat, “everybody in this country is crazy about gold — miners, gamblers, bankers, robbers, — everybody. They're like hungry wolves, ready to tear one another to pieces. Only the wolves have more sense. Gold is of no earthly use to anyone. I'm sick and tired of the whole business.” And Mat rose, hat in hand, to go.

“I hope you'll call again, Mr. Bailey,” said the girl shyly. Here was a friend in need! A great bashful, manly fellow, so kind and sympathetic!

“I'll be more than pleased to,” replied Mat, determined to prove his philosophy that there are things far more precious than gold.

Fascinated with the idea, he loitered in the neighborhood longer than he would otherwise have done; and, glancing back at the dear girl's house, he was astonished to see “Bed-bug Brown” emerge from the cellar. Brown saw him at about the same time.

There was no escape for either, so they drifted together good-naturedly. The little man extended his hand:

“Congratulations! When is the wedding to be?”

Bailey simply smiled, and said:

“Bed-bug Brown, detective!”

CHAPTER IX

THE HOME-COMING OF A DEAD MAN

Meanwhile the body of the murdered man — noble countenance peaceful now after twenty-five years of adventure — had been traveling eastward to its final resting place. The body of William F. Cummins came home in state — home at last, where the familiar caw of crow and tinkle of cow-bell might almost conjure the dead back to life again. Three years before, at the time of the great Centennial, when, in the full vigor of manhood, Will Cummins had visited his native town, no sounds had so stirred old memories of fields and mountains as those homely sounds of crow and cow-bell.

Then neighbors had flocked about the bold Californian, eager to press his hand and to look into his fearless eyes. Now, robbed and murdered, he came home again, life's journey ended. The quiet village was appalled, and shaken with anger. Friends and neighbors flocked to the funeral — indignant youths, solemn old men and women. True, the younger generation had hardly known of the Californian's existence. To them he seemed to have come out of the Sierras like a Rip Van Winkle, who slept soundly on, asking no questions. But to the old men he had died a youth, full of promise. They remembered well the eager buoyancy with which he and his

comrades had set out for the gold fields. Middle-aged men and women remembered his school days in Reedsville, when he was one of them, when they were all healthy, merry boys and girls together.

The funeral over, and the Californian safely laid in his native soil on the hillside, men gathered in groups on the corners of the village street, or stepped into the bank to look at the six-shooter which had failed their friend in his hour of need. The local minister, gazing upon the dead man's revolver, was heard to remark:

"They that take the sword shall perish with the sword."

But the bystanders would not endure the doctrine. Their Anglo-Saxon blood recoiled. And a former Californian, who was an old friend of Cummins, stepped forward and said:

"Mr. Lamb, Will Cummins was not afraid to perish with the sword. And, if he could have drawn that revolver, there would have been two dead robbers. This doctrine of non-resistance is wrong, dead wrong. We proved that in California, just as you people proved it here in the Civil War. Will Cummins was not afraid to defend his rights."

"But," replied the minister, who in spite of his name seemed eager for the combat, "the Civil War was a national crime. Think of the hundreds of thousands of young men, North and South, who perished."

"Yes, Mr. Lamb, the war *was* a crime. And Jeff Davis and the other criminals ought to have been hanged, just as those stage-robbers ought to be."

"Don't you see, my friend," replied the minister, "that violence breeds violence?"

"Then," rather scornfully, "you think Will Cummins did wrong to defend his property?"

"He would have been alive today if he hadn't."

"But that's not the point. Will Cummins died for a principle. He believed in self-defense, and was not afraid to risk his life."

"Of course," said the minister, "I admit that he was a brave man. But Christ said, 'if any man take away thy coat, let him have thy cloak also' — 'turn the other cheek' — 'resist not evil' — 'they that take the sword shall perish with the sword.'"

"Well," said the Californian, "I don't dispute the fact that people who carry weapons are likely to get killed. What I say is, I admire a man who is not afraid of getting killed when he knows he's right. It may be just as honorable to perish with the sword as to be crucified."

This statement, savoring of the heresy that was introduced into American thought both by soldiers returning from the Civil War and by men returning from the lawless life of the West, rather shocked the minister, who was a good and sincere man. But he only said:

"Surely, you are a Christian?"

"Well," replied the Californian, "I don't know. If Jesus Christ said self-defense is wrong, then He was mistaken."

Here the argument ended. But the theme is a fruitful one; and every thoughtful man and woman in Reedsville was bound to consider it. Dead men

tell no tales and make no arguments. Will Cummins slept peacefully on. But the facts of the case were too plain to be ignored; and the Californian's doubt of Christ's infallibility was widely discussed.

It was indeed a great issue, involving the fundamental principles of Christianity. A brave man, who is not a scoffer, attacks the doctrine of non-resistance, and lays down his life for the faith that is in him. A martyr, then. Martyrdom in itself cannot establish a principle; but we respect martyrdom. Turn the argument around: the martyrdom of Christ did not establish the correctness of His teaching.

But this leads to a further question, namely, the nature of Christ — was Christ human or divine? We may honestly say He was both; for if ever man was inspired He was. But He might have made mistakes, as other inspired teachers have done. And what did He really teach? Not one word of Scripture was written by His hand. The spirit of Christ — this is the important thing. The letter killeth, the spirit giveth life. Did He not caution us to look not to Himself but to God? “Why callest thou me good? One there is who is good, even God” . . . “Not those who say, ‘Lord, Lord,’ but those who do the will of My Father which is in heaven.”

Self-defense is a duty which civilized man owes to civilization. Will you tell me that the hundreds of thousands of Armenians who, making no resistance, have perished like sheep at the hands of the Turks, were better men than the four thousand who fled to the mountains and fought off their persecutors till help arrived? Read of the heroic defense, when for

fifty-three days the men of that gallant band, with a few rifles, saved their women and children from worse than death. I say these men performed a duty to God and man — to the Turk himself, into whose black heart they shot more virtue and honesty than ever were implanted by the hundreds of thousands who died like sheep.

Civilized man must maintain himself, else the world will relapse into barbarism. To perish with the sword in defense of home and friends may be a sacred duty. If I have any quarrel with the Californians it is not with their courage and daring. These were exemplary. And if it is right to defend one's life, it is right to defend one's property, by means of which life is supported.

But the dead men sleep soundly there on the hill, unmindful of praise or blame, and old man Palmer, himself in a pauper's grave by the Middle Yuba, robbed in his turn, and by a trusted friend, tells no tales, for he sleeps serenely.

CHAPTER X

THE TRAVELS OF JOHN KEELER

John Keeler had found his friend the sheriff at the Citizens' Bank, putting up money on a bet that Cummins' murderers would not be caught within a year. Sheriff Carter was dealing in futures, as it were. Nothing would have pleased him better than to lay hands on those highwaymen; but, — thoroughly discouraged at the outlook, — like a true sportsman he enjoyed the humor of betting against himself in the vague hope that such action might lead to something. He was more than pleased to see Keeler, whose mysterious air clearly indicated that something was up. They walked immediately to the courthouse, and were soon closeted together.

"Now look here, Keeler, if you're going to play detective, you don't want to hang out a sign, 'John Keeler, Detective.' There's blood in your eye. Any crook could spot you a block away."

Keeler laughed, and looked rather sheepish.

"Well," he said, "there's no harm done, I reckon. Those fellows are probably a thousand miles from here by this time."

"What makes you think so?" asked Carter. "They may be right here in Nevada City. Some of those fellows can throw a perfect bluff on a pair of two-spots."

"Well, Carter, I thank you for your suggestion. After this, I'll be careful. That is, I'll appear to be careless. I haven't any inkling as to where those thugs are, and I've come to you to get some points."

"I don't blame you a bit, Keeler, for wanting to look into this affair. Cummins was your partner once; and a better man never lived in Nevada County. I hope to God I can string up the men who killed him. Just step in here."

In an ante-room Carter had set up two straw men dressed in the discarded clothes of the highwaymen.

"Of course, this ain't going to help much," explained Carter, deprecatingly. "But it does give you a fair idea of the height of those fellows. Mat Bailey was in here the other day to help me with these dummies. He seems to have a pretty good idea of what the men looked like."

As his mission to San Francisco was confidential, and inasmuch as Palmer's Mrs. Somers was an unknown quantity, Keeler refrained from mentioning her. He proceeded to San Francisco that day; looked up Mrs. Somers, who gave him the names and descriptions of a dozen bad men of Nevada County; and the next day he returned to hunt up some of these same bad men. One of them was O'Leary of You Bet, whom he found without trouble. But he got very little encouragement from O'Leary; and he very soon discovered how hard it is for an honest man to get any sort of satisfaction from thieves and liars.

In the absence of any definite information he resolved to turn eastward, across the Sierras. He was

on the right track, as we know. As far as Omaha it was not so very difficult to make a fairly thorough search for the criminals. However, this took time, and although he happened to pick up information here and there about a couple of rather odd-looking Californians traveling eastward with gold, he often felt that he was on a fool's errand. He fell in with Californians everywhere. If the building of the transcontinental railroad had served no other purpose, it had sent a steady stream of people away from the gold fields — a circumstance that made his mission seem all the more hopeless. Among so many how could he distinguish the criminals? True, he could distinguish an ex-miner among a thousand. And whenever such a man extended his right hand and said, "Put it there, partner!" Keeler could not refuse the proffered hand-clasp.

At Louisville he encountered a man whom he was sure he had seen in Nevada City. The man evidently recognized him also, and for an instant Keeler thought he saw a wild gleam in the man's eye. Then it was, "Put it there, partner!" and Keeler placed his clean right hand into the grimy palm indicated.

"The drinks are on me, this morning," said the man, marching him off to the nearest bar. And Keeler was so much in the humor of the thing that he was soon telling the story of the Frenchman who took lessons in English from a Kentuckian:

"What do you say in Anglais when one offer you a drink, and you accep' le invite?"

"Don't care if I do," replied the instructor.

"Don car fido," repeated Frenchy. "And what eef you do not accep' le invite?"

The Kentuckian looked grave, slowly shook his head, and finally answered in despair:

“ You’ve got me there, Frenchy! ”

The Californian laughed heartily — rather too heartily, Keeler thought; and then inquired:

“ Going East or West? ”

“ Westward for me,” replied Keeler; “ and you? ”

“ Well, I reckon I’ve played my last game of poker in Nevada City. The East for me. With a little dust for capital, this country seems right good. Why, out there in the Sierras, you know as well as I do, the soil’s too poor to feed lizards. Not much like the blue grass country of Kaintuck.”

“ Well,” said Keeler, “ if I had made my pile, Maryland would be good enough for me. As it is, California is all right, barring those same pesky lizards.”

“ The boys set too stiff a pace out there, though,” replied the ex-miner. “ Why, many a Saturday night I’ve seen fellows drop into town with a hundred and fifty dollars in dust, and then borrow the money to take the stage out Monday morning.”

“ I don’t go in for sporting myself,” said Keeler, “ so I guess my character won’t be ruined. The churches have got started, and they are giving the saloons a good deal of trouble.”

“ By thunder! that reminds me,” quoth the Californian, “ this here is a Christian country, and I’m going to join the church, first thing I do.”

“ And spin California yarns to a Sunday-School class,” suggested Keeler. “ Bet your class will be a large one.”

"I'll do it, by thunder! The very thing! And I'll shoot any lad as gets impertinent."

Keeler was clearly out of his element, and thought it time to terminate the brief acquaintance.

"John Keeler is my name; and I can swear I've seen you in Nevada City. But you have the best of me."

"Why," replied the Californian, as cool as you please, "my name's Darcy."

It was the man who had killed Will Cummins! But John Keeler was none the wiser, as Darcy quickly saw. He and Collins had reached Louisville undetected. Had there assumed the character of honest miners, shipped their bullion by express, a part to New Orleans and a part to Philadelphia, and were on the point of dissolving partnership.

Darcy soon afterward assumed the name of Thorn, set up in the lumber business at Union City, Indiana, where it is but a few steps across the border into Ohio, — and became a prosperous and respected citizen. He actually associated himself with the leading church of the town and was looked upon by the young men as a Californian who had succeeded.

Honest John Keeler, who was well acquainted with the type, as he thought, could only remark, as his train sped westward, "There is a sensible miner! One who has safely transferred his money from saloons and gambling dens and robbers to the famous blue grass country. Good luck to him!"

He had well-nigh forgotten the incident when Darcy was arrested three years later.

A whole year had passed before Keeler returned

home, discouraged. In the meantime, as we shall see, the snows of the Sierras had not chilled the budding affections of Mat Bailey; but the hot sun of another California summer had stricken down old man Palmer. Keeler mistrusted that something was wrong, as he had not heard from his old friend for several months. Fortunately, his wife and child were well and happy, but they had impatiently waited for his return. From them he had heard every week or two.

At length he was safely back across the Sierras. The cañon of the American River had never seemed more terrible as the train hovered over the brink of it. And now they were at Colfax, the junction of the narrow gauge railroad, whence, at nine cents a mile, you travel northward to Nevada City. The iron bars on the high, narrow windows of the station, the low whistle of the little engine, like the lonesome cry of a wolf, as it took the high trestle over Bear River, the very bars of dirt in the river bed far below, proclaimed to John Keeler that he had returned to the land of robbers and gold mining.

CHAPTER XI

THE SNOWS OF THE SIERRAS

After the heat and turmoil of a day when the children have been especially vexing, what mother does not smile in forgiveness upon the peaceful faces of her offspring, whose characters in sleep appear as spotless as the sheets which cover them? So smiled the sun upon the grown-up children of the Sierras asleep under the winter snow. After the heat and turmoil of the summer, the mad search for gold was over. Save when there was a heavy snowstorm, the Graniteville stage traveled over the mountains, as usual; but no highwayman molested it. It would have been a practical impossibility for a robber to have made off with booty. The snow was light and feathery, and the drifts were often twenty-five feet deep. The web-footed snow-shoes of New England could not be used with advantage in such snow, so recourse was had to skis. But it was difficult to manage these upon the steep trails of the cañons, so that people generally were content to hibernate like grizzlies. Many a miner, glad to indulge his liking of conviviality, would take up his residence in some mountain village for the winter, spending with a liberal hand the precious yellow dust that he had worked so hard to get. Many, forced to keep the wolf from the door, found work with lumbermen and ditch companies.

In my opinion, Mat Bailey and Dr. Mason had a decided advantage over both miners and villagers. Like the man-o-war's man of song they enjoyed steady occupations summer and winter, and spent much of their time in the open. The cold was never extreme, the thermometer very rarely dropping below zero Fahrenheit. The dust of summer was buried deep under the gleaming snow, and the air was crisp and exhilarating. Often the doctor was one of Mat's passengers. Often he would leave the stage where some trail wound down into a cañon, and putting on his skis glide away among the great pines, which, covered with snow and ornamented with shining icicles, were scattered over the mountain slopes like great wigwams of white canvas. A doctor anywhere is a welcome visitor and a friend in need; in the wilderness, in the depth of winter he ranks but little lower than the angels. Often, coming to a lonely cabin, fairly buried in snow-drifts, he would climb in through the gable window of the loft; and no doubt his descent to the patient lying below suggested the arrival of a heavenly visitor.

One glorious winter day Mamie Slocum through Mat's persuasions accompanied him from Nevada City to Graniteville. He wanted her to see the magnificence of the Sierras in winter. Mamie needed little coaxing. Indeed, her admiration for Mat was making her unmindful of very eligible suitors. Besides, she enjoyed life in the open almost as much as he did. But I suspect on that beautiful winter morning both enjoyed each other's society even more than the scenery. As far as North Bloomfield, she

was the only passenger, so well had Mat and the weather bureau contrived matters. He explained that he was really in need of her assistance, for in the open places where the snow had drifted across the road, it was often necessary to attack the drifts with a snow-shovel. He would then pass the reins to Mamie, who, demurely perched aloft, rosy-cheeked and most bewitching, was a picture for an artist.

No wonder Mat should have grown confidential and talked about his personal history — which was usually bad form in California, where present fortune counted for everything and family history was regarded as ancient history. He told her how in boyhood he came to California from Virginia with his parents. That was back in the fifties, when respectable women were so rare in the gold fields that their arrival was hailed by the rough miners with a sort of religious fervor. One of Mat's earliest recollections was a scene with emigrant wagon and camp-fire in the background, and in the foreground his mother, clasping him by the hand and greeting a score of bearded men, who, with hats off, were paying her homage.

He could remember, too, how they had come over the mountains through Emigrant Gap, passing the graves of the Donner party. The tragedy of the snow-bound emigrants had made a deep impression upon his imagination. He spoke of it to Mamie, and she rather saucily inquired what he would do with her if they, too, were caught in a severe snowstorm.

"In the first place," said Mat, "I wouldn't let you start out in a snowstorm. And in the second

place, if we should get caught, on the return trip, we would make for the nearest shelter and stay there till traveling was safe again."

"Oh, dear, what a stupid adventure that would be! There's very little excitement in this civilized country."

Mat laughed. "So this is what you call a civilized country? I don't see any signs of civilization except this road and the water ditch yonder."

Mat was quite right. In every direction the frosting held sway over an unbroken wilderness. The massive ranges of the Sierras, clothed all in white, were as majestic and as untamed as when Fremont and Kit Carson gazed down upon them from their snowy summit. To cross that mountain barrier, ninety-three hundred feet above the level of the sea, would require as much heroism as ever. The wise old Indians knew better than to attempt it; and so did the miners. Only a Fremont or a Kit Carson might pass over that awful divide in safety, pushing on through the deep drifts, half their mules and horses dead, and their comrades staggering with exhaustion. How absolutely essential was that stage-road, winding over the snow fields!

Soon Mat perceived signs that made him anxious. They would reach Graniteville without mishap. But the return trip to-morrow? A falling barometer could not have made him feel more certain of an approaching storm. He began to question the disinterestedness which had led him to show Miss Slocum the splendor of the winter landscape. The girl's gay chatter could not drown the voice of his accus-

ing conscience. Fortunately for Mat, at this juncture Dr. Mason came to the rescue like a fairy godfather.

They picked the doctor up at North Bloomfield. His baggage included not only his skis and medicine-case but a violin as well. For the doctor was a musical genius; and it had been his proud achievement to construct his own instrument, which friends vowed was as excellent as a Stradivarius. Often of a winter evening his music was more sought after than his medicine. Mamie was delighted.

"So there's going to be a party to-night," she exclaimed. Mat promptly seized the opportunity to secure the lion's share of the dances, and immediately congratulated himself upon the approach of the storm, hoping it might bring a whole series of parties.

"Bless you, my children," said the doctor, "it will be a pleasure to call off the figures for the likes of you." The word "eugenics" had not been coined as yet, but like all wise physicians the doctor believed in the idea. It made his heart rejoice to watch the budding affection of these normal, healthy young people. And he knew the magic of the violin. And so they waltzed on to their heart's content in the large dining-room of the hotel at Graniteville. At midnight, the feathery snow began to fall, insuring several other blissful nights. Between dances they looked out of doors and windows; when the drifts buried the whole first story of the hotel, the warmth of that great bare room seemed even more genial.

"The lamps shone o'er fair women and brave men —
Soft eyes look'd love to eyes which spake again,
And all went merry as a marriage bell."

When refreshments were served, so pleased was the doctor with his young friends' pleasure, that he drew them aside to tell them a bit of his family history.

"My family," said the doctor, "lived for many generations in Ayrshire, Scotland, neighbors to the family of Robert Burns. And, like the poet's people, they were very poor. No wonder! The poor man has no chance in the old country. Years ago an ancestor of mine leased a tract of worthless swamp land for forty-nine years at a penny an acre per year. By hard labor and perseverance he drained the land and made it productive. So when the forty-nine years were up and the family sought an extension of the lease, the rent went up to one pound an acre. This was pretty hard; but by frugality and perseverance the family still prospered. At the end of the second forty-nine years the rent demanded was five pounds an acre. Think of it — twenty-five dollars a year! That was too much to endure, so my father, then a young blacksmith, was sent over to Canada to buy land. He bought three farms of a hundred acres each, one for himself, one for his brother, and one for their father, paying four dollars an acre. Here again the rich man had the upper hand. For this same land had been sold by the British Government to capitalists for twenty-five cents an acre. Of course, my people had no money to pay cash down, but they quit Scotland nevertheless. They came over in 1832, in a small sailing vessel, which took four weeks to make the passage. Then came another struggle. The land was very productive, but money was scarce

and crops brought hardly anything. But at least the Mason family had enough to eat. Finally, after many years, the mortgages were paid off, and the family established."

The doctor paused, and Mat thought he saw a reason for Scotch grit. He contrasted such a history with the get-rich-quick methods of California!

"America," continued the doctor, "is the land of opportunity. With good health and industry the poor man can succeed." And he looked at Mat significantly.

CHAPTER XII

THE GOLDEN SUMMER COMES AGAIN

The golden summer had come again. To old man Palmer, living alone on the top of Fillmore Hill, the great snow banks stored high upon the mountains meant abundance of water for mining. The strange flowers of California, yellow and red, grown familiar now after many years, made their appeal to him. With the returning summer he welcomed the yellow bird with red crown and black wings. He loved the exhilarating air and the glorious sunshine. But I am afraid the golden glow of morning suggested gold.

He was cleaning up several square rods of bed-rock in the ancient river bed on the hill-top, and the dirt was rich in gold. Every morning early, leaving his breakfast dishes unwashed, he carefully shoveled this dirt into his sluices, and watched the water carry mud and sand away. Once in a while he would shut off the water to examine the rich amalgam at each cleat across the trough, removing that which was saturated with gold and replacing it with fresh mercury. This clean-up was going to be especially good, and he was glad to be alone.

Treasure like this would tempt his lawless neighbors. He wanted no such rogues round as they had at Angels Camp, Calaveras County, where, accord-

ing to his last copy of "The California Democrat," the post-office had been robbed of a thousand dollars, including one hundred dollars' worth of postage stamps. Postage stamps! He laughed to think to what straits thieves had come in Calaveras County.

Then he thought of his own hard-earned treasures, safely locked up in the Hibernia Bank of San Francisco and with D. O. Mills of Sacramento. Some day kindred back in Connecticut would have cause to praise his frugality and self-denial. Sometimes he thought of his blasted romance and of the poor woman in San Francisco who scrubbed floors for an honest living. Ah, well, life is hard. His own years of toil were nearly over, as he knew by unmistakable signs. Perhaps this rich clean-up would be his last. And so it was; though nearly two years elapsed before a merciful Providence released the old man from this world where thieves break through and steal the fruits of our labors.

The Woolsey boys, young men now, with the strength of the hills in bone and muscle, were the old man's chief reliance. They could see that he was failing, and felt sincerely sorry. They noted with what grim determination he stuck to his work. The tenacity inherited from a hundred generations of strong men, farmers, sea-kings, warriors, nerved his old arms and kept strong the will within him.

One day about the first of August, in the early afternoon when the sun is hottest, they found the old man within doors, washing dishes.

"Sit down, Mr. Palmer," said John, the older of the boys, "and we will do the dishes for you."

"Well, boys, go ahead. I know what famous pot-wrastlers ye be. I can't compete with you." And he gladly sat down, to examine a legal document the boys had brought him. For one Dupre, who had a rough farm at the bottom of the cañon and sold the old man vegetables, had sued him for damages, because the dirt washed down from Palmer's diggings had covered up a few square rods of grass land. The damage was slight, but the Frenchman was thrifty, and had sued for a round sum. Palmer was quite willing to pay actual damages, but he had refused to be robbed. A compromise had finally been made, and Dupre agreed to withdraw his suit upon the payment of fifty dollars. To this contract the old man now affixed his signature, in a very shaky hand.

"There, I'm glad that's settled," said he. And a moment later he had fallen out of his chair upon the floor.

Miner's paralysis! Even the Woolsey boys knew the symptoms. They lifted the old man up and put him on his bed, gave him whiskey, and then consulted as to their next duty. They could not leave him there alone upon the mountain-top; nor was it an easy matter to descend to the bottom of the cañon for help.

"You stay here, Charley," said John, "and I'll go for Dr. Mason."

"That won't do, Jack. It will be five o'clock before you can cross the cañon, and dark by the time you reach North Bloomfield. Alleghany City is the place to strike for. Get Dr. Lefevre over there. They say he can cure paralysis if any man can."

"It's no easy trip to Alleghany, either," said John thoughtfully. "The cañon of Wolf Creek is as bad as the cañon of the Middle Yuba. And there's Kanaka Creek beyond."

"Then again, whichever way you go," responded his brother, "you ain't sure of finding the doctor. Better take the old man with us and make for Alleghany, I guess."

This seemed the most feasible plan. So they saddled Palmer's sure-footed horse, put his sick master into the saddle, and started down the trail across the cañon of Wolf Creek. It was a long, hard trip. To the Woolsey boys, holding and steadying the old man, the cañon had never seemed so deep. At last they reached the Plumbago Mine, on the opposite height, where they borrowed two mules to carry them the rest of the way. It was easy going now as far as Chipp's Flat. Late in the evening they climbed the steep trail from Kanaka Creek to Alleghany City, took their charge to the hotel, and hunted up Dr. Lefevre.

So began a long, hard sickness, the first serious sickness Robert Palmer had suffered since his arrival in the gold fields. For days he lay helpless. As soon as he was sufficiently recovered to take notice of his surroundings, he begged to be moved from the noisy hotel, with its sickening smells, to the cabin of an old friend named Lee, who lived some distance from the main street.

There are not more than half a dozen streets in Alleghany City, the principal one being the road along the mountain-side, which, leaving the village,

climbs up over an ancient stream of lava, and crossing the summit of the mountain plunges down to Forest City. Dr. Lefevre was the only doctor in the two "cities," and spent much of his time crossing the high ridge that separates the two. He often wished that the miners, in pursuit of gold-bearing gravel, had dug a passage-way through the ridge, as they had done on the opposite side of Kanaka Creek, where there was a tunnel from Chipp's Flat to Minnesota. But on this side of the creek they mined for quartz. However, the miners were good patients, and some day the doctor hoped to return to France with the gold his skill had earned him.

With a Frenchman's zeal for science and thoroughness, he was a most excellent physician. By the first of October, Robert Palmer was cured. To the doctor it seemed almost a miracle; and he cautioned the old miner kindly:

"Mr. Palmer, one can never tell about this malady. To-day you are well, thanks to your remarkable constitution and a Frenchman's art. Next month, perhaps" — and he shrugged his shoulders.

"If you have any business matters to settle, monsieur, any affair of the heart, any will to make, you had better attend to such things while the good Lord gives you strength."

Robert Palmer heeded this advice; and so, a few days after, when he had returned to his house on Fillmore Hill, he wrote the following remarkable document:

"Fillmore Hill, Oct. 12, 1880.

"I, Robert Palmer, the undersigned, of sound mind,

declare this to be my last will and testament. After my death it is my will that after all just, honest debts and expenses are paid, if there is any property left that it shall be divided equally between my nieces and nephews: that is, each one shall receive an equal share; and it is also my will that should a majority of my nieces believe money or other property placed in the hands of any of their number would not be used properly the others shall hold such money or property and pay it to the owner at such times and in such amounts as they may think best: and it is also my will that the same plan shall be adopted and carried out with regard to my nephews as I have named above for my nieces, except my nephews shall hold the property.

“ Now then be it known that I hereby appoint as my administrators or executors, to execute and carry out the above my will, the following named persons, (to wit), John Hintzen of Forest City, Sierra County; John Haggerty of Moore’s Flat, Nevada County, and Henry Francis of Moore’s Flat, Nevada County: also James B. Francis of Reedsville, Mifflin County, Pennsylvania; to act without bonds, and also to act without the interference of any court of law or any Public Administrator whatever; to act at all times and under all circumstances to the best of their judgment in settling my affairs: if they have patience they may hear any pleas my relations have to offer, but I wish them in the end to stand firm and resolute on their own judgment, and take time to settle the concern whether it need one year or twenty years.

“ And furthermore it is my will that if the above

named persons cannot act conveniently then if two or more act they shall have the same power as if all acted; but if only two act they shall both agree on all the matters, but if more act then the majority may rule.

ROBERT PALMER."

Oct. 12, 1880.

Only one who knows the spirit of early California can understand this document. Its beginning is modest: "if there is any property left." What amount was the old man about to distribute? He was too cautious to mention it; and when his friend John Hintzen of Forest City, in whose safe the will was deposited, wrote asking for a list of the property, the old man parried the question.

Another curious feature of this document is that the old man chose two executors. He did not care to trust any one friend too far, apparently.

Robert Palmer, Democrat, paid his respects to courts and lawyers. His executors were "to act without bonds, and also to act without interference of any court of law or any Public Administrator whatever." He might better have trusted the courts, as we shall see, for his friends failed him. After thirty years the executors all died; and to this day the will of Robert Palmer is an unsolved mystery.

CHAPTER XIII

THE END OF THE TRAIL

The gold that with the sunlight lies
In bursting heaps at dawn,
The silver spilling from the skies
At night to walk upon,
The diamonds gleaming in the dew
He never saw, he never knew.

He got some gold, dug from the mud,
Some silver, crushed from stones,
The gold was red with dead men's blood,
The silver black with groans;
And when he died he moaned aloud,
"There 'll be no pocket in my shroud."

JOAQUIN MILLER.

John Keeler, returned from his travels, became Palmer's trusted messenger to Hintzen, to whom the old man sent a copy of his will. Keeler was provided with another copy to deposit at the court-house in Downieville, county seat of Sierra County. For although Robert Palmer disliked courts and lawyers, he deemed it wise to file a copy of his will at the court-house. This he could do without telling Hintzen, so he instructed Keeler, after having seen that gentleman at Forest City, to continue over the mountains to Downieville, as if on private business.

Honest John Keeler, after a year spent in tracking criminals, had little liking for this new mission. It seemed as if his old friend thought all men rogues.

Such a sweeping condemnation would include himself, and he resented the insinuation. However, the old man was still feeble. So Keeler set out on foot across the mountains.

It had been some time since he had been as far as Chipp's Flat. There he sought out the old cannon, long since dismounted, and sitting down upon it he thought of the changes wrought in that neighborhood within his recollection. In Civil War times, eighteen years before, miners of Chipp's Flat and vicinity had enlisted in the Union Army. There had been a full company of a hundred men, and the cannon had been a part of their equipment. But the cannon had not left that California mountain-side; and the soldiers themselves had got no further East than Arizona, for in those days there was no trans-continental railroad. Now that there was one, Chipp's Flat had no need of it. Save for two or three scattered houses the mining town had disappeared. The mountain ridge had been mined through from Minnesota, and now that the gold-bearing gravel had been exhausted, Chipp's Flat, except in name, had gone out of existence.

The next thing of interest was the dirty blue water of Kanaka Creek, and the clatter of the stamping mills on the other side of it; for Keeler was not much used to quartz mining. The name "quartz mining" seemed misleading, for the wash from the crushed rock was distinctly blue. It was evident that these quartz mines were paying well, as Alleghany had every appearance of a live mining town. Keeler stopped at the hotel there for dinner. It seemed

strange that intelligent men should so lose their heads. Great quantities of liquor were being consumed at the hotel bar, poker games were in full blast, and there was a cemetery handy.

Keeler was glad to leave Alleghany to climb over the mountain ridge to Forest City. Now to the eastward the lofty peaks of the Sierras hove into view, dwarfing the mountain ridges of the gold fields. He paused to inspect the ancient stream of lava which crossed his path, and considered once more those convulsions of the earth which had thrown the ancient river beds to the hill-tops, and of which California earthquakes are a constant reminder.

Arrived at the summit of the ridge, he looked down upon Forest City, a straggling village in a barren valley denuded of forests. Church, school, and cemetery gave the place an air of permanence; but some day it might disappear, like Chipp's Flat. It lay almost beneath him, so steep was the road down the mountain. Beyond, up the bare valley of a mountain stream, lay the trail to Downieville, nine miles away. His mission to Hintzen performed, he would spend the night at Forest City, and push on to Downieville the next morning.

Hintzen kept the general store at Forest City, a business more certain and profitable than gold-mining; and having a reputation for strict honesty, he had become a sort of agent and business manager for the miners. He was one of the few men Robert Palmer trusted; therefore he received the document from Keeler's hand without surprise. But he could not repress a smile at the testator's extreme caution

and resolved forthwith to ask for a list of his friend's securities.

"How is the old man now?" he asked.

"Mr. Palmer has had a close call," replied Keeler.

"But he is good for a couple of years yet, I reckon."

"Sit down, Keeler, while I write him a note. You'll find a whiskey toddy up there at the end of the counter. — Beg your pardon. Forgot your temperance principles. There's fresh spring water in that bucket."

Next morning Keeler pushed on up the ascending valley of the mountain torrent. The horns of a wild sheep by the wayside reminded him of earlier days when game was plentiful. The only wild creatures along the trail to-day were rattlesnakes. With these he was well acquainted. But it did give him a start to find one twined about a branch of a bush.

An hour's steady climbing brought him to the top of the watershed between the North and the Middle Yuba. Here a scene of wild grandeur lay before him. Bare crags on either hand guarded the pass over the divide. Immediately in front lay a whole system of deep cañons, clothed with primeval forests, wild and forbidding. Beyond towered a chain of rough, bare mountain peaks. Keeler paused to wonder anew at the vastness of the Sierras.

Then he plunged down from the ridge and was soon traversing one of the most lonesome and gloomy trails in all the mountains. The tree trunks were covered with yellowish green moss. In one place stood a pine stump fifty feet high with the upper hundred feet of the tree thrust into the earth beside it. At

another place a huge log blocked the trail. Then he crossed a brook and was among chaparral and manzanita bushes. Then he was among the pines again, listening to their voices, for a breeze was blowing up the cañon. Now he came to a spooky region which had been swept by fire, with bare tree trunks, broken and going to decay, standing like ghosts of the forest. Beyond was a clump of young firs with gray stems, so straight and perfect as to be almost uncanny. Or was it the traveler's overwrought imagination?

Now the trail turned at right angles along the steep side of a cañon, and he heard the music of the mountain torrent far below. Half a mile further on, where the trail crossed the brook at the head of the cañon, it doubled back on itself along the other side. The traveler refreshed himself at a mossy spring by the side of the trail, then, as he emerged from the cañon at a sudden turn, Downieville appeared. It lay far below him, at the forks of the North Yuba. How musically the roar of the river came up through the autumn stillness! Sign boards pointing to the Ruby Mine, and to the City of Six, prepare the traveler for the discovery of some settlement in the wilderness. But he is hardly prepared for such a beautiful and welcome sight. Here, tucked away among the mountains as tidily as some Eastern village, lies the county seat of Sierra County. But this is California and not Maryland, for yonder comes a mountaineer up the trail with his pack horses.

Keeler lost no time in descending and transacting his business at the court-house. But after his lonesome walk over the mountains something he saw

here appealed to his imagination. It was a human skull, which had belonged to a murderer. The murdered man was a Frenchman, killed for his money. This was Keeler's first visit to Downieville since the crime, and as he had known the Frenchman he determined to visit his grave.

The cemetery is up the river beyond the edge of the town; and here, in more senses than one, a traveler finds the end of the trail. Men and women whose life journey had begun in New England, Old England, Wales, Ireland, France, Denmark, or Russia, had here come to their journey's end.

At the cemetery gate, fastened by a wire, was the quaint sign:

"NOTICE

PLEASE PUT THIS WIRE ON AGIN
TO KEEP IT SHUT."

A beautiful clear mountain stream flows along one side of the ground and pours into the river below. A lone pine chants requiems over the dead; and yellow poppies with red hearts spring out of the graves. Many of the headstones are boards, naturally; and one poor fellow, whose estate at death was probably a minus quantity, is commemorated by a strip of tin with his name pricked into it. There is a fair proportion of pretentious monuments, which were drawn by ten-horse teams from some distant railroad station.

Marked by such a monument was the grave which Keeler sought. The symbolism was striking, — a broken column, an angel holding out an olive branch,

and Father Time. And this was the verse of Scripture carved in stone:

“Man walketh in a vain shadow:
he heapeth up riches and cannot
tell who shall gather them.”

Forgetting the murdered Frenchman in the forcefulness of the text, Keeler wondered if Robert Palmer's journey, too, would end like this.

CHAPTER XIV

GOLDEN OPPORTUNITIES

In California Opportunity knocked at every gate — not once but many times. It returned again and again, most persistently, and intruded alike on men awake and feasting, or asleep and dreaming. John Keeler had hardly spent an hour in Downieville before he had met a Golden Opportunity. On approaching the town he had passed several short tunnels dug into the hill-side, and at the court-house he met the owners of one of these tunnels. Smith came from Ohio, — he had for many years been a teacher, and was a member of the Grand Army of the Republic. His partner, whom he introduced as a Confederate veteran, was a Virginian. As partners, the blue and the gray were almost irresistible. Three hundred dollars invested in their shaft would mean a rich strike.

But other Opportunities had left Keeler rich in experience and short of cash. He could not use Robert Palmer's money as his own; so he could only smile, rather sadly, and wish his new friends success. How many of his acquaintances had invested good money in a hole in the ground! Even the most prudent, in some unguarded moment, had parted with thousands of dollars, like the dog in the fable which dropped the real bone to seize the shadow. There was Mack,

proprietor of the hotel at Graniteville, making lots of money at his business and losing it all in mining ventures. Only the other day Mack had remarked that if his savings had been allowed to accumulate in some good bank he would now be worth some fifty thousand dollars. As it was, he was as poor as his humblest guest. Even Dr. Mason, canny Scot though he was, could not forget the sight of ninety thousand dollars' worth of gold bullion he had once seen piled up at North Bloomfield, and so was persuaded to gamble with his earnings. He had lost as much as Mack. How rosy is the rainbow, and how evanescent the pot of gold at the end of it! California had swallowed up more wealth than its gold could ever repay, as Keeler well knew. It was only occasionally that some lucky devil, or some prudent, saving man like Robert Palmer, after thirty years in the gold fields, had anything to show for it.

So Keeler, pondering the deceitfulness of riches, sadly made his way back across the mountains. Even then Fate was weaving her web about his old friend Palmer, who was soon to lie in a pauper's grave. Francis seized a Golden Opportunity.

Francis had so far prospered that he had moved to San Francisco. In the city he could watch the stock market, as he told himself privately. To his friends he announced that failing health demanded the change, albeit the exhilarating air of the Sierras was far more beneficial than the dampness of the sea coast. But Francis, inheriting ten thousand dollars from one of his deceased brothers, had moved to San Francisco, taking with him sundry hundreds

and thousands of dollars, entrusted to him by his Pennsylvania friends for investment. Everybody had faith in the integrity of Henry Francis.

The next summer, when the blue-bells were in blossom at Grass Valley, he passed through that prosperous mining town on the narrow gauge bound for Nevada City and Moore's Flat. This was the summer of 1881, nearly two years after the murder of Cummins. A still, small voice accused him of something akin to highway robbery; and it gave his conscience a twinge to pass the well-known stump which had concealed the robbers. It was bad enough that the robbers were still at large, a fact that reflected upon him. "Bed-bug Brown's" mission had proved a fiasco. But the thing that really worried Francis was his own mission and not the fruitless one of Brown's. If his own proved fruitless his conscience might be better satisfied.

But business is business, and the day was fine. Francis was a gentleman and something of a scholar. His face showed refinement, and his hands were as soft as a gambler's. He was fairly well read, and he could have told you, when the stage crossed the South Yuba, that "*Uvas*" is Spanish for "grapes," and that the name "Yuba" is a curious English abbreviation of "Rio Las Uvas."

When next day he crossed the foot-bridge over the Middle Yuba, where it tears along in its deep, wild cañon below Moore's Flat, he was less interested in Spanish or in the grandeur of the scenery than he was in reaching Robert Palmer's. He had not hired a horse at Moore's Flat, as the livery man might be

curious; so he had sauntered along through the village, greeting old friends and chatting with them now and then until considerable time had been consumed, but he knew that the old man would put him up for the night.

It was late in the afternoon before he reached the top of Fillmore Hill. Old man Palmer, much broken in health, as Francis remarked with a degree of inward exultation immediately reproved by his conscience, greeted him affectionately.

"Well, Henry, I almost thought you had forgotten me. But, of course, I knew better."

"You must remember, Mr. Palmer, that it is quite a ways up here from the city. The narrow gauge from Colfax is little better than a stage coach. It means a trip of fifty miles into the mountains to get here."

"Well, I'm mighty glad you've come. As soon as you've rested a bit, I want to talk business."

Francis argued with his conscience that the old man had invited him. How could he have refused to answer the summons? Palmer ushered him into the house, where, seated comfortably in the kitchen and welcomed by dog and cat, he partook of the old man's hospitality. Palmer was evidently much wrought up; and, as soon as his guest had rested a little, proceeded to business.

"You got my letter?"

"Yes, Mr. Palmer."

"Hintzen has informed you that I've named you as one of my executors?"

"Yes."

“And you will be willing to act, I hope?”

“Well, Mr. Palmer, I hope that won’t be necessary for many years to come.”

“The Lord only knows how long I have to live. It was rather hard for me here last winter. But I guess the mountain air was good for me. However, I’m going to spend next winter at Sherwood’s. The Woolsey boys say they’ll take good care of me; and I’m going to deed them my claim.”

“Better come to San Francisco. I saw a friend of yours down there the other day, a Mrs. Somers, who always inquires about you.”

“And how is she getting along these days, Francis?”

“She appears to be well. Says hard work agrees with her.”

“Glad to hear good news of her. She writes me occasionally. Remember me to her when you see her.”

“Then you don’t think you’ll go below with me?” (“Going below” was local parlance for going to San Francisco.)

“No. I’d feel like a fish out of water in that big city. I’ll be comfortable at the Sherwood’s. I’ll have to depend upon you to send me some money occasionally.”

“Hintzen writes me that he has your will locked up in his safe. I suppose you have given him a list of your property?”

“He has written me asking for a list; but I’m not going to give him any.” If the old man had not trusted Francis so implicitly he might have noticed an expression of relief light up that gentleman’s dark eyes.

"So I handle your funds, and Hintzen holds your will," smiled Francis. "Do you think that is fair to either of us?"

"Oh, as for the will, I've kept a copy, which you may as well look at." And he fetched the document.

Francis read it over very carefully; and then looked up with an expression of undisguised satisfaction.

"I'm glad you put it that way," he said. "You leave it to us to act in accordance with our best judgment, whether it takes one year or twenty years. That leaves us free to dispose of securities to the best advantage, and not sacrifice them in a falling market."

"Yes, I was thinking of that investment you advised me to make a year ago."

Francis winced a little; for the old man probably knew how low a certain stock had fallen.

"I see you've named my brother back in Pennsylvania as one of the executors."

"Yes; as most of my heirs live in the East, I thought your brother could hunt them up, and let you do business through him."

"That is a good idea. But don't you think Hintzen and Haggerty ought to have a list of your property? If you should die, and they found on examining your books and papers that you had trusted me but not them, why, naturally, they would feel hurt."

"Well, Haggerty's an Irishman, and Hintzen's a Dutchman. You are an American like myself, and, what's more, a Democrat after my own heart. I want you to hold the funds."

"If you feel that way, I wish you wouldn't tell

anybody. For if they knew I had money belonging to you people would suspect me of helping myself to it."

Francis had been rehearsing this speech for several days; but was now rather surprised that he had the nerve to utter it. But the old man trusted him. Was not Francis almost a son to him?

If he had been, he could not have inherited the old man's property more surely. He stayed over night on Fillmore Hill; and when he departed next morning, he took with him bank books and securities and a letter to Palmer's banker which made Francis the custodian of all his money. He even took a small chamois skin bag filled with gold nuggets which the old man had saved. And he left behind at the house on Fillmore Hill not a receipt or a paper of any kind that would indicate that Palmer ever had had any money. They had burned all such tell-tale records; and Henry Francis felt that he was guilty of something baser than highway robbery. Yet, if the stock market should take an upward turn, all might be well.

CHAPTER XV

THREE GRAVES BY THE MIDDLE YUBA

Gaily bedight
A gallant knight,
In sunshine and in shadow,
Had journeyed long,
Singing a song,
In search of Eldorado.

But he grew old —
This knight so bold —
And o'er his heart a shadow
Fell as he found
No spot of ground
That looked like Eldorado.

And, as his strength
Failed him at length,
He met a pilgrim shadow —
"Shadow," said he,
"Where can it be —
This land of Eldorado?"

"Over the Mountains
Of the Moon,
Down the Valley of the Shadow,
Ride, boldly ride,"
The shade replied,
"If you seek for Eldorado!"

EDGAR ALLAN POE.

Robert Palmer's diggings on Fillmore Hill are still plainly seen from the stage road on the other side of the cañon of the Middle Yuba; but he who has the hardihood to cross the cañon will find the mine worked out, the water-ditch dry, and the old man's

house pulled down. The basement of the house still affords shelter to adventurers who come to dig for Palmer's hidden treasure. There is no other treasure on that barren hill-top, for the Woolsey boys, to whom the old man deeded his mine, worked out the paying gravel long ago.

At the bottom of the cañon, and just across the cold, rushing river, is a clump of rose bushes, which mark the spot where the Woolsey brothers lived with their mother and old Sherwood, their step-father. Beyond the rose bushes, in the edge of a meadow, are three lonely graves, covered by the branches of alders, unmarked save for flat field stones, and unknown except to a few ranchmen who drive their cattle up the river for summer pasturage. The first burial was that of one "Scotty," a ranchman. In 1915 there was living at the Soldiers' Home in the Napa Valley an octogenarian, last surviving member of the Keystone Club, who had helped to dig Scotty's grave. In the middle grave by the Middle Yuba lies the body of Robert Palmer. The third grave is that of Sherwood. No doubt these Californians rest as peacefully as those whose mortal remains have been gathered into the cemetery at Downieville. Mother Earth has received her children back into her bosom, and day and night the river chants their requiem.

In September, ten weeks after Henry Francis's visit, Palmer put his house in order, and with Sammy, the cat and his dog Bruce, sought protection at Sherwood's. For Sherwood he had little respect; and he thought Mrs. Sherwood a silly woman to have brought her boys to such a home. But the boys were

now grown men, friendly, generous, and strong. The old man had no better neighbors.

He insisted, proud and independent to the last, that he should provision the family for the winter. So he drew on Hintzen, who packed in an abundance of good things from Forest City. Every night the old man sat by the stove. He liked to stroke Sammy's sleek coat and listen to the cat's affectionate purring. He liked to tell how his dog Bruce had saved his life. For it seems Palmer had once started off for Forest City by night, was stricken with a paralytic shock, and, falling unconscious in the woods, was finally rescued by neighbors who had heard the dog's insistent barking.

When the snow was deep in the cañon, and the supply of provisions was getting low, the old man ordered more from Hintzen. He recalled the severity of New England winters, and talked of the friends of his youth. He began to plan a trip East in the coming summer, directed John Woolsey to inquire as to the expense of such a trip, and proposed to employ him as a traveling companion. And feeling the need of some money, he bade Mrs. Sherwood write a letter for him to Francis, signing it with his mark.

For some unaccountable reason Francis made no answer, and the old man seemed much disturbed. Other letters were dispatched. Still no answer. After long waiting a letter in a feminine hand, postmarked "San Francisco," and addressed to "Rob't Palmer, Moore's Flat," found its way through the snow-drifts to Sherwood's ranch. It was from Harriet Somers. But no letter came from Francis.

Finally Sherwood suggested a registered letter. In a few days a receipt came back, followed by a letter in which Francis explained that he had just returned from a trip to Honolulu for his health, and that he hoped when he was better to go up into the mountains to see Mr. Palmer.

But the old man's strength was failing, and worry over Francis had resulted in another paralytic shock. Dr. Mason was summoned, and made his way into the cañon on skis. He found the patient in bad condition, suffering from miner's paralysis in its worst form. Still, the old man rallied, affixed his mark in lieu of signature to a letter ordering medicines and other necessities from Hintzen, and forbade the writing of alarming letters to his relatives. He hoped to weather the storm again as he had done under Dr. Lefevre's treatment.

But patient and nurses had their premonitions. He would call out in distress, "Mrs. Sherwood, please help my hand," and she, taking the stiffened fingers in hers, would soothe him so. He came more and more to depend upon her. Told her he trusted she would do whatever was needful; and, sure sign of the coming end, spoke of his relatives in the East. Save for the astronomer nephew, he had seen none of them for more than thirty years; but his heart went out in tenderness towards them. He spoke of his brothers and sisters and their promising children. Weeping, he told of his beloved mother, who died when he was a boy of seven years and left him heart-broken.

He talked about making legal provision for pet

cat and dog, which did not forsake him in his weakness. Mrs. Sherwood, remarking upon such extravagance, asked:

“You have considerable means, Mr. Palmer?” And he, grown less secretive under her patient nursing, replied:

“Why, yes, I have considerable money.”

The days went by, and he got no better. But his mind was clear; and he resolved before it was too late to reward his benefactors. So a justice of the peace was summoned, and a deed of the old man's claim on Fillmore Hill was drawn up, making the property over to the Woolsey brothers. Without hesitation he described his boundaries in legal fashion; and he signed the deed with his mark, before witnesses. Furthermore, he told the boys where they would be likely to find rich gravel; and they afterward had cause to praise the old man's judgment.

He became as gentle as a woman. Indeed, Mrs. Sherwood, who had hung up some of his family portraits about his bed, remarked that in his sickness he very much resembled the astronomer's mother, his sister. He comforted his friends, and told them his wishes in case he was “caught in a worse snap,” as he put it.

About this time he was stricken with blindness. Mrs. Sherwood was much affected. She took down her Bible and read to him. And she read the beautiful litanies of the Episcopal prayer-book. With her boys she knelt in prayer by his bedside. The blind eyes moistened; for the strong man's heart and brain still served him well.

Only a few days before the end, when the whole body was apparently paralyzed, Dr. Mason inquired if there was any business which he wished attended to, and Robert Palmer replied:

“My affairs are settled; and, Doctor, you will be paid for your services.”

The last day of April had arrived; but the snow banks were still deep in the cañon. Nothing further had been heard from Henry Francis, but the old man at last seemed reconciled. Perhaps Francis was not well enough to come through the snow. It was Sunday, and at midnight came the fatal stroke. He did not regain consciousness, and died peacefully on Tuesday afternoon, May 2, 1882.

Then strange things happened. Hintzen, a large, heavy man, unused to exercise, appeared on snow-shoes at Sherwood's house and asked if Mr. Palmer had said anything about his property. No! And though the dead man lay within, he turned away and immediately put back to Forest City. Henry Francis was notified. But Henry Francis did not make his appearance. And the snow drifts being deep, Robert Palmer was buried by the side of Scotty, like a pauper.

No, not like a pauper; for there was still twenty-nine dollars standing to his credit at Hintzen's. And this sum defrayed his funeral expenses. Out of rough planks, lying about to mend sluices, the Woolsey boys framed a coffin, for which they procured handles at a neighboring village. And Mrs. Sherwood, faithful nurse and spiritual adviser, laid the old man out in his best clothes. The rugged face

showed no look of annoyance. After thirty-three years of honest striving the old Forty-niner slept the sleep of the just.

The doctor's bill remained unpaid, a circumstance which would have annoyed Robert Palmer exceedingly, were he further concerned with the affairs of this world. It would appear that Henry Francis deemed it good policy to assume no obligations. So for thirty-three years that honest debt remained unpaid; while in the meantime Francis, Hintzen and Haggerty became wealthy, lost their money, and passed on to their reward. The doctor, long since removed from North Bloomfield, thieves, and murderers, was finally paid by Palmers of a later generation.

CHAPTER XVI

WHEN THIEVES FALL OUT

When news of Robert Palmer's death reached his relatives, pity for his lonesome life of self-denial was swallowed up by pleasant anticipations. But weeks and months passed by with no word of encouragement from his executors. Finally, Mrs. Sherwood, thinking the heirs were being defrauded, wrote East urging that some member of the Palmer family visit California. So the astronomer nephew, at considerable expense to himself, was delegated to cross the continent. At the end of August he found himself in the Sierras once more. On horse-back he visited Sherwood's ranch, and his uncle's house on Fillmore Hill, ran the gauntlet of rogues at Alleghany, and passed on over the mountains to Forest City and Downieville. It was a glorious outing, in spite of the dust. How brightly the stars shone down on the Sierras! But the further he investigated the deeper grew the mystery. Dr. Mason told the story of the sixty thousand dollars loaned by Robert Palmer to the water company. But the three California executors, reputed honest men, assured the nephew there was no money to be found. Bankers in Sacramento and San Francisco were polite but disappointing. All the astronomer brought home was Mat Bailey's story of the murder of Cummins, a copy of Robert

Palmer's will procured at Downieville, and a problem which defied his higher mathematics. "Set a thief to catch a thief;" the astronomer was an honest man.

A few months after his return from California, the tangled web of my yarn began to unravel. Mat Bailey had reported that nothing had been heard of the highwaymen "from that day to this." But John Keeler's work had not been done in vain. O'Leary of You Bet, the Nevada City jail-bird, had been duly impressed with the handsome reward offered for the apprehension of the murderers. So every time he met an old acquaintance he talked about the murder of Will Cummins. It was a simple method of procedure, and it did not prove immediately successful. As it was about as easy to be a vagabond in one locality as in another, he drifted from place to place — first to Sacramento, then to San Francisco, then over the Sierras to the mining camps of Nevada, then through Utah and Wyoming, till at last he found himself in jail in St. Louis.

There, three years after the murder, he found his old pal J. C. P. Collins — but how changed! Could that coarse and bloated countenance belong to the fastidious and pleasure-loving Collins?

"Well, Collins, I hardly knew you. How does the grub here compare with what we used to get at Carter's boarding-house?" O'Leary referred to the jail at Nevada City.

"This must be your first week in St. Louis," replied Collins, "if you haven't put up at this hotel before. Been caught stealing again, I suppose?"

"That's me. Only the matter of a lady's purse that was of no use to her."

"Well, women are the cause of all my trouble. They drag a man down worse than drink. They are a bad lot, are women."

"Why, you're a regular preacher, ain't you? You used to be a ladies' man."

"That was in California."

"How's the wild and woolly?" asked Collins, presently, looking his old pal over contemptuously.

"Oh, I know I ain't stylish like you Eastern dudes. I'm a honest miner, I am. And I don't wear boiled shirts like you."

"You're honest, all right. We'll leave that to Sheriff Carter. Remember how he caught you stealing that Chinaman's dust? I can see that Chinaman's sign now: 'Heekee & Co., Gold Dust Bought.' By the way, what's become of my old flame back there?"

"Oh, a lady? I don't remember no ladies that was acquainted with gents like us."

"I don't reckon you know the girl I mean. She wasn't in your class, that's a fact."

"Maybe I can tell you if you'll just say her name."

"Well, I'm inquiring after Miss Mamie Slocum, the sweetest little girl in Nevada City."

"You're joking, sure. That girl never had any use for the likes of you. Mat Bailey would knock your head off if he heard you breathe her name."

"Insult me as much as you like. 'No fighting' is the rules of this hotel. I asked you, how is that little girl? Sweet on Mat Bailey, is she? Well, I'm glad of it."

"Yes; she and Mat have been good friends ever since Will Cummins was killed."

"So? How's that?"

"Why, you know she came down on the stage that day, and saw it all. Some say she knew the robbers and helped them find Cummins' bullion. I guess Mat was in the deal, too. Anyhow, she and Mat have been good friends ever since, as I tell you."

"Now look here, O'Leary, you're dead wrong. That girl is as innocent as you are."

"Sure! The judge just sent me up for snatching a purse, you know."

"I tell you that girl knew nothing about the hold-up."

"It must have happened after you left California, or you wouldn't be so sure. I'll tell you about it. Stage comes down from Moore's Flat. Mamie Slocum talks and laughs with Will Cummins. Sees where he stows his old leather grip. Sings out to the robbers, 'That's Mr. Cummins' valise under the seat there.'"

"That's a lie, and you are a fool to believe it!"

"I'm telling you the facts."

"The facts! Why, man, wasn't I there? And don't I know just what happened?"

Astonished at this outburst, O'Leary looked hard at Collins. There was no mistaking his earnestness; and he only leered at the other's astonishment. O'Leary was discreet enough to say no more; and Collins seemed to think his secret safe enough in the keeping of an old pal two thousand miles from the scene of the murder. But that very night O'Leary telegraphed to Sheriff Carter of Nevada City:

“Man who killed Cummins in jail here. Come at once.
PAT O’LEARY.”

John Keeler and Henry Francis happened to be at the railroad station the next morning, when Carter started for St. Louis; and he showed them the telegram.

“When thieves fall out,” remarked Keeler; and Francis winced. Was it because he foresaw that the ten thousand dollar reward would be claimed? or was it for some other reason? Keeler wondered.

CHAPTER XVII

BROUGHT TO JUSTICE

There was no serious doubt in Sheriff Carter's mind as to the importance of O'Leary's telegram. He hoped that the murder of Will Cummins was, at last, to be avenged; and, as he had admired and loved that chivalrous man, he resolved to use every means in his power to bring the murderers to justice. But he realized what a difficult task it would be to get them hanged.

There was a strong sentiment in California against capital punishment. There seemed to be little objection to murder committed by private citizens, but people raised their hands in horror at what they were pleased to call judicial murder. What right has the State to take so precious a thing as human life, even though the life be that of a hardened criminal? Carter was sick at heart. He had watched the most depraved characters, fed and clothed and guarded at the public expense, spend their days in shame and utter uselessness. It would have been a mercy to have terminated their existence; and it would have instilled respect for law in the minds of other criminals.

But the immediate problem of Sheriff Carter, as it is the immediate concern of this story, was to capture the murderers. Carter went armed with proper

legal documents, handcuffs, and a pair of derringers — for the sheriff of Nevada County could shoot straight simultaneously with both hands. Two faithful deputies accompanied their chief, and all three were well supplied with the sinews of war in gold and bank-notes.

Arrived at St. Louis Carter immediately got in touch with O'Leary, and cautioned him not to alarm Collins, for proper circumspection might lead to the capture of both murderers. Showing his credentials to the proper authorities, he took them into his confidence, and thus made sure that Collins would not be discharged from jail without his knowledge. Then he and his deputies retired to their hotel for rest, refreshment, and poker.

In less than three days the chief of police showed him a letter written by Collins to Thorn. The mis-sive ran:

“ dear Thorn, alias Darcy,
don't let your old pal bother you eny I suppose you are having a revival in your church about this time and converting a great many sinners. give my kind regards to the widow Brown, and I hope she will marry you soon. I expect to leave this hotel in ten days, so will need \$50. send post office order, St. Louis, general delivery.

Your old partner,
J. C. P. COLLINS.”

It was evidently a blackmailing letter. The sheriff remembered Darcy of old, and the chances seemed good that Thorn *alias* Darcy was the other highway-

man. So, taking O'Leary along to assist in the identification, he set out for Union City to deliver Collins' letter in person. No doubt this Thorn was a harder man to catch than Collins. He had had sense enough to change his name and to join a church. So Carter approached Union City rather cautiously, leaving O'Leary with one of his deputies in Chicago with orders to wait for a telegram. Accompanied by the other deputy he arrived at Union City rather late at night, to avoid publicity.

There he learned that Thorn had been in town nearly three years. That he was engaged in the lumber business, was prosperous, highly respected and was prominent in the leading church of the town. He was away on business in Chicago at the time, but was expected to return in a week or two, as it was rumored that he was soon to marry.

The sheriff's disappointment was much relieved by the receipt of a telegram the next morning:

"We have got Darcy corralled here. Come at once.

PAT O'LEARY."

"Just as well that we brought O'Leary along," remarked Carter to his deputy. "You stay on guard here till you hear from me."

In Chicago the sheriff found that his deputy had promptly arrested Darcy on O'Leary's identification, and had had the man locked up. But on visiting the jail, Carter was considerably in doubt if he had ever seen the prisoner before. The Darcy he remembered was smooth shaven, bronzed through exposure to the

California sun, rough and rather desperate in appearance. This man wore a beard, was well dressed, rather pale from confinement in his office, and of sanctimonious countenance.

"But that's Darcy, all right," O'Leary assured him. "Same eyes, and same mole on his neck. Just read him that letter from Collins, Mr. Carter."

At the name of Collins the prisoner winced visibly. For some time he had realized that Collins might betray him; and he had thought seriously of ending that scoundrel's career.

Carter followed up the advantage quickly.

"I think this is Mr. Thorn of Union City?" he inquired politely.

"That's my name," said the man, "and I live in Union City, as I told the officer."

"I've just come from Union City," replied Carter quietly, "and happen to know that you are a respected citizen of that place. Don't suppose you ever heard of J. C. P. Collins of Nevada County, California?"

"I was a miner in California several years, but I don't remember anybody by the name of Collins."

"It's singular then that Collins should call you his old pal and address you as 'Dear Thorn alias Darcy.'" And Carter presented Collins' letter.

"You're wanted, Thorn, alias Darcy, for the murder of William F. Cummins." The sheriff looked at the prisoner so sternly that the man wilted. "Collins has owned up, and you might as well do the same."

"O God!" groaned the man, "my sin has found

me out. I killed Cummins with my own hand; and I am ready to pay the penalty."

His religion had not been all humbug, by any means; and now he asked permission to visit Union City to make public confession of the murder. But Carter had left Collins in jail at St. Louis, and saw no reason to delay the arrest of that scoundrel in order to gratify the wishes of a confessed murderer. So he proceeded to St. Louis at once, arrested Collins, who seemed rather shocked and grieved to meet his old friend the sheriff once more; and hurried the prisoners back to California.

There was great excitement in the gold fields, you may be sure, when it was announced that Will Cummins' murderers were safely lodged in jail, more than three years after the crime. Surely, California was becoming civilized, and at last Nevada County was actually to try a couple of men for murder.

CHAPTER XVIII

THE END OF J. C. P. COLLINS

At Nevada City, with its pleasant homes scattered on the hills either side of the deep gorge of Deer Creek, the traveler lingers awhile to drink in the romance of the gold fields. Roses and poppies that bloom profusely in the front yards are "emblems of deeds that are done in their clime." The very soil, like the flowers that spring therefrom, suggests gold and the red blood so freely shed for it. Here and there are eloquent, though silent, reminders of the exciting days of placer mining and highway robbery, when Wells Fargo and Company brought treasure out of the mountains guarded by armed men.

At the court-house Nevada County is advertised as the banner gold county of California, with a total output of \$300,000,000; a yellow block on exhibition represents the bullion taken from the Malakoff Mine in one month, and valued at \$114,289. In a showcase at the Citizens' Bank are exhibited four of the buckshot which killed T. H. Girard on October 31, 1887. Also, a bit of hemp rope with a tag, on which is written:

"The end of J. C. P. Collins

Feb. 1, 1884

Compliments of Sheriff Carter."

In vain one may search for a similar reminder of the highwayman Darcy, the actual murderer of Will Cummins. But at the scene of the murder, the stage-driver of the present generation tells his passengers that Darcy was paroled several years ago, after spending thirty years in prison. He may add that Darcy, the ex-convict, is an inert and lifeless creature, married to a paroled woman as lifeless as himself.

Darcy's friends in Union City would not have it appear that their model citizen was a murderer. They protested stoutly, and in the end the tax-payers for thirty years were burdened with the care and keep of the criminal.

As it has already been remarked, murders in Nevada County were common enough; but a murder trial was almost unheard of.

The State tried Collins first. He had no friends, except of the baser sort; and his conviction might make it easier to convict Darcy. Mat Bailey and Mamie Slocum were important witnesses for the State; and Collins himself, poor debauchee though he was, was man enough to clear Mamie of all suspicion. She freely told of her conversation with him when he had recommended the gallantry of gentlemen of the road. And she admitted that she had always been haunted by the suspicion that the highwayman with whom Cummins had grappled might have been Collins, who had so strangely disappeared after the robbery. No; she could not identify him as the man who asked about Cummins' valise. She was not sure about his voice. She was too much frightened to be sure of anything.

As Collins seemed less interested in saving his own worthless life than in establishing the innocence of Mamie Slocum, he was promptly convicted. The judge sentenced him to be hanged on Friday, Feb. 1, 1884.

Sheriff Carter could not see why, if Collins was guilty, Darcy was not. But good souls from Union City showed how exemplary had been the life of their brother since he came among them, and the lawyer whom these good people employed pointed out the shame and disgrace that would be suffered by a worthy family if one bearing the name of Darcy should die upon the scaffold. It is strange that in such cases the lawyers on the other side do not show that the shame and disgrace come with the commission of the crime, and that honest punishment endured for the same is the one means left the criminal to atone for the injury he has done the good name of his family.

There was no doubt as to Darcy's guilt; and he was man enough to have paid the extreme penalty willingly. For thirty years he lived the monotonous round of prison life, becoming more and more like a dumb animal, and paroled at last in his old age little better than an automaton — the qualities of daring, thrift, and religious enthusiasm long since dead and gone.

Throughout the trial of both men, Henry Francis was an interested spectator. The court-room seemed to have a fascination for him, although he was now a rich man with important demands upon his time. It was whispered about that the Pennsylvanians had

spent a hundred thousand dollars hunting the criminals down; and some people were fanciful enough to see in Henry Francis the highwaymen's Nemesis. He made a very dignified Nemesis indeed. He looked grave and thoughtful, and his newly acquired wealth lent dignity to his refined countenance.

But it occurred to John Keeler that somehow it appeared as if Francis imagined himself sitting at his own trial. He seemed to show an almost eager interest in the subterfuges and the raising of legal dust by means of which counsel for the defense endeavored to blind the eyes of the jurors. Keeler hardly dared to let his fancy run on to logical conclusions. It seemed too much like condemning a man without giving him a trial. Yet he could not help being haunted by the thought that some thieves are too shrewd to assume the risks of highway robbery. In his own mind this thought constituted the one valid argument against capital punishment. For if common scoundrels are to be executed what severer punishment is left for the more crafty villain? But he could see that a sensitive nature like that of Francis was capable of infinite suffering; and he thought of the words of Scripture, "Verily they have their reward."

CHAPTER XIX

THE HOME-COMING OF ANOTHER DEAD MAN

“The mills of the gods grind slowly, but they grind exceeding small.”

For example, there was Robert Palmer, who after thirty years spent in the gold fields had accumulated considerable treasure. But choosing to dig for gold and to live among adventurers, thieves, and speculators, he had come to distrust human nature. He became so secretive that even at the approach of death, when the kindly French doctor had given him fair warning, he would confide in only one man. Verily, he had his reward.

Incidentally, the three Californians whom he had named as his executors prospered. They may not all be included among the forty-one thieves of this story, but it may not seem unreasonable to suppose that Henry Francis made it worth while for Hintzen and Haggerty to keep quiet. The point is that all three executors prospered — and then died penniless.

Hintzen made so much money over at Forest City that he left for Arizona, where he invested in copper, and lost everything he had. Haggerty, who remained in his store at Moore's Flat, where he had made money rapidly, speculated and lost all, including the savings of a few poor people who had trusted him. Henry Francis speculated in the stock of the

famous Comstock mine, in the adjoining State of Nevada, lost the fortune he had wrongfully acquired, and died broken-hearted. It was only six years after Palmer's death that he collapsed, and was taken home to Reedsville, Pennsylvania.

Here, ostensibly the victim of tuberculosis, he lingered a year to taste the bitterness of poverty and wretchedness. Then he died, and suffered the usual eulogy poured out by country ministers.

A charitable author must admit the virtues of his "heavy-villain." The sun rises upon the evil and the good, and rain descends upon the just and the unjust, for the simple reason, no doubt, that no other arrangement would be possible, inasmuch as there are no people who are entirely good and none who are wholly bad. In every man the forces of good and evil are at war.

If Henry Francis yielded to temptation there were extenuating circumstances. In the first place, Robert Palmer's will distinctly stated that everything was left to the judgment of the executors. They were to stand firm and resolute on their own judgment "and take time to settle the concern whether it need one year or twenty years."

Possibly Francis reasoned that investing the old man's money in a certain way would, within a very few years, double the estate, and thus render a service to the heirs. And if at the end of three or four years the event had proved the soundness of his judgment, was it wrong to exercise that judgment in further ventures? The will gave him twenty years. Weren't the executors acting "at all times

and under all circumstances to the best of their judgment?" If conscience demurred that Hintzen and Haggerty were left in the dark, so that "their judgment" had come to mean simply the judgment of Henry Francis, had he not proved that judgment good?

He knew that when he had given the heirs to understand that there was no property, he had prevaricated. But had he not heard their pleas with patience, just as the old man had directed? And if Robert Palmer's estate were settled right then, at the end of four years, would the heirs complain of circumstances which had doubled their inheritance? No doubt conscience inquired if Francis was thinking of postponing settlement indefinitely. And no doubt prudence suggested a settlement now when all was going well. But once let the estate slip from his control, and he would become a comparatively poor man; while the twenty-nine heirs might squander their money foolishly.

While he was debating the question, it was only proper to keep the money well invested. And if at the end of the fifth year his securities had shrunk seriously in value, it was natural to wait another year for values to become normal. When the crash came, the injury to his vanity hurt him more than his wounded conscience; that he had learned to soothe, but his pride had never before been humbled. And so it was said that Henry Francis died of a broken heart.

His sister Mary, who nine years before had brought back to Pennsylvania the corpse of the mur-

dered Cummins, was now summoned to carry another dead man home. True, he lived a year to contemplate the ruin of fortune and honor, but he was mortally wounded. Most pathetic of all, he was resolved to suffer in silence. Brothers and sisters should not share in his disgrace. He had gambled and lost. But he would not tell them that he had gambled with his honor.

There is still balm in Gilead, even for a sinner! It was good to feel the touch of his sister's hand, to taste the delicacies that only she could prepare. The last long journey over the plains, at the end of which he would find rest on the hillside where Will Cummins slept, was almost as peaceful as his. He had renounced the world of thieves and gamblers, and was going home.

Arrived in his native valley, he marvelled at its beauty. Why had he ever left it, to risk life and honor in the pursuit of riches? Man's needs are so simple! How easily he might have thriven among such kindly neighbors! None of them could be called rich, but they had an abundance of this world's goods, with something to spare for him, the returned prodigal. What does it profit a man to gain the wealth of California and lose his own soul? Had he lost his soul, then? He had proved unfaithful to his friend. Or had he been simply unfortunate? Ah, well! he hardly knew. He was eager to see Robert Palmer again in the world to which he was hastening. Then he would confess all, and be forgiven. For Robert Palmer had loved him like a son. Yes, that was what made the cup so bitter!

CHAPTER XX

THE BRIDAL VEIL

“ Where ancient forests widely spread,
Where bends the cataract’s ocean fall,
On the lone mountain’s silent head,
There are Thy temples, Lord of All! ”

ANDREWS NORTON.

As the trial and execution of J. C. P. Collins were the last acts in his worthless career, so they were the last but one in the courtship of Mat Bailey and Mamie Slocum. These comparatively young people were married soon afterward. They were married and did not live happily ever after; but they certainly enjoyed greater happiness than that which fell to the lot of their friends, John Keeler and Dr. Mason only excepted.

During a long life John Keeler reaped the reward of sterling integrity. To the end of his days he remained a poor man. But no one in all Nevada County was more highly respected. Not that he was much interested in what other people thought of him, as he strove simply to win the respect of his own exacting conscience.

Dr. Mason, having at last had the satisfaction of seeing one murderer brought to justice, felt that he might with dignity retire from the gold fields, where good Anglo-Saxon ideas of law and order were beginning to find acceptance. So he moved his family

into the plains at the foot of the Sierras, where in the town of Lincoln, Placer County, they enjoyed a more genial and happy existence.

Mr. and Mrs. Mat Bailey also moved away from Nevada County. But Mat had become so strongly addicted to stage-driving that he could not give it up even to enjoy the continuous society of his bride. He might, for instance, have become a florist, and employed Mamie as his chief assistant. Instead of this he took her to what he considered the most beautiful place on earth.

He established his home in the meadows of the Yosemite Valley, where the clear waters of the Merced preserve the verdure of the fields the whole summer through. In midsummer, the floor of the Yosemite Valley is like an oasis in the desert. On all sides are rough, dry mountains; and if you follow the river down to the San Joaquin Valley it becomes lost in a vast parched plain. But between its mountain walls, where Mamie lived and where Mat pursued his vocation, all is beautiful.

From the mountain height across the river thundered the Yosemite Fall in all its glory, a sight that allures travelers from the uttermost parts of the earth. And down the valley a ways was the Bridal Veil, where Mat and Mamie paused to worship when first they entered that enchanted valley together.

Their first drive after they went to house-keeping was to Artist Point. Mamie felt that she never had loved Mat before as she did that day; for as he exulted in the glories of the valley, with Half Dome at the end and El Capitan standing in sublime magnifi-

cence before them, the scales fell from her eyes, and she saw in her stage-driver husband the poet and artist that he really was.

He was artist enough not to attempt to show his sweetheart all the glories of the Yosemite at once. He took the keenest delight in having them grow upon her. It was fully two months before they climbed up out of the valley to Inspiration Point, renewing their acquaintance with familiar scenes and experiencing more stupendous grandeur. It was two years after they came into the valley that Mat disclosed the most tremendous magnificence of all.

For years after it fairly took her breath away to think of it. First they took the familiar road to Inspiration Point, then made their way over the mountains where the Glacier Point Road now runs, and camped for the night in the highlands of never-failing frost. Next morning they pursued their way through the woods an interminable distance, as it seemed to Mamie, until finally they stood upon the brink of a huge cañon, with a snowy mountain range in the distance beyond, and in the intervening space, a vast panorama of granite mountain sides, almost white, — here and there covered with a sparse growth of timber. The waters from these mountain reaches had cut a channel for themselves known as Little Yosemite Valley, where pour the two wonderful cataracts known as Nevada Falls and Vernal Falls. Their deep roar came up from the valley. Mamie felt that she would be content to watch that scene the whole day through.

But Mat took her on to Glacier Point, where you

look straight down more than three thousand feet to the level floor of the Yosemite Valley. There below, more than half a mile below, she saw her neighbors' cottages; and the thought occurred to her, as she clung to Mat, that if she should fall over the precipice she might crash through the roof of one of these. She actually saw the good neighbor who was caring for her own child during his mother's absence. Before the day of aviators it seemed strange enough to look straight down from half a mile up in the sky.

Then came those scenes of terrifying magnificence when she followed Mat over the trail cut along the perpendicular walls of the cañon five miles down to the floor of the Valley. One who has not passed over that trail can scarcely conceive of it; and one who has, brings away a sense of the sublime and the beautiful mingled with terror. There against the blue sky stands the perpendicular wall of Half Dome, almost within arm's reach, seemingly, in that clear atmosphere. There stand El Capitan and the Three Graces. And there at every turn of the trail pours the glorious Yosemite Fall, at first too far away for the ear to notice its distant thunder. Then on closer approach the faint roar is heard across the cañon. The attention becomes fixed more and more upon this majestic cataract, to set off which the wonderful mountain walls seem to have been specially created. The trail from Glacier Point, beginning at an altitude above the top of the fall opposite, reveals it in its whole nakedness — shows its rise in the vast watershed of upland mountain valleys, and then by degrees leads you closer and closer to it until, at Union Point, its glory is perfect.

But why attempt to outline the wonders of that famous valley?

If Mr. and Mrs. Mat Bailey were not actually happy ever after, they found life worth living. As only people of humble fortune are likely to do, they lived the simple life. And they found it pleasant. They realized, as many people of humble fortune do not, that the sweetest pleasure can be derived from the cheerful performance of obvious and commonplace duties. Mat had always taken pride in his unpretentious calling, and his wife learned to love the blessed busy life of wife and mother.

Her sons and daughters, knowing no better because of their peculiar environment, grew up believing this old earth most beautiful, and the nobility of their world seemed to create in them nobility of character. The sheltered peace of that green valley entered into their souls.

THE END

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